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REPORTS

FROM

COMMITTEES:

SEVEN VOLUMES.

—(4.)—

EARLDOM OF SELBORNE;
FACTORIES AND WORKSHOPS BILL;
FATAL ACCIDENTS INQUIRY (SCOTLAND) BILL;
FOOD PRODUCTS ADULTERATION;
HOUSE OF COMMONS (VACATING OF SEATS);
KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

SESSION 1.—5 *February* 1895——6 *July* 1895.
SESSION 2.—12 *August* 1895——5 *September* 1895.

VOL. X.

1895.

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REPORTS FROM COMMITTEES:

1895.

SEVEN VOLUMES:—CONTENTS OF THE

FOURTH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

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REPORT

FROM THE

SELECT COMMITTEE

ON THE

EARLDOM OF SELBORNE;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
21 *May* 1895.

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302.

Earldom of Selborne.

Ordered,—[*Tuesday*, 14*th May* 1895] :—That a Select Committee be appointed to inquire and report whether the Honourable William Waldegrave Palmer, commonly called Viscount Wolmer, has since his election to this House succeeded to the Earldom of Selborne in the Peerage of the United Kingdom.

Committee nominated,—[*Wednesday*, 15*th May* 1895]—of—

Mr. Attorney General.	Mr. Labouchere.
Mr. Balfour.	Mr. Sexton.
Mr. Chancellor of the Exchequer.	Sir Richard Webster.
Mr. Henry Hobhouse.	

Ordered,—That the Committee have power to send for Persons, Papers, and Records.

Ordered,—That Three be the Quorum of the Committee.

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REPORT.

THE SELECT COMMITTEE appointed to inquire and report whether the Honourable WILLIAM WALDEGRAVE PALMER, commonly called VISCOUNT WOLMER, has since his election to this House succeeded to the EARLDOM OF SELBORNE in the Peerage of the United Kingdom;——HAVE agreed to the following REPORT;—

THE Committee having considered the matters referred to them, and having taken evidence thereon, report:

That the Honourable William Waldegrave Palmer, commonly called Viscount Wolmer, has since his election to this House succeeded to the Earldom of Selborne in the Peerage of the United Kingdom.

21 *May* 1895.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 16*th May* 1895.

MEMBERS PRESENT:

Mr. Chancellor of the Exchequer.
Mr. Attorney General.
Mr. Henry Hobhouse.
Mr. Labouchere.
Mr. Sexton.

Mr. CHANCELLOR OF THE EXCHEQUER was called to the Chair.

The Committee deliberated.

[Adjourned till Monday next, at Half-past Two o'clock.

Monday, 20*th May* 1895.

MEMBERS PRESENT:

Mr. CHANCELLOR OF THE EXCHEQUER in the Chair.

Mr. Labouchere.
Mr. Sexton.
Mr. Henry Hobhouse.
Sir Richard Webster.

The Committee deliberated.

Mr. *Henry Hobhouse*, a Member of the Committee, was examined, and produced the Patent of the Barony of Selborne, together with the certified copies of the following documents, viz.: Marriage Register of the Marriage of the late Earl of Selborne; of the Certificate of the Birth of the late Earl of Selborne's only son, and of the Burial of the late Earl of Selborne.

The Patent of the Earldom of Selborne not having been produced, the Committee decided to adjourn until to-morrow for its production.

[Adjourned till To-morrow, at Three o'clock.

Tuesday, 21*st May* 1895.

MEMBERS PRESENT:

Mr. CHANCELLOR OF THE EXCHEQUER in the Chair.

Mr. Labouchere.
Mr. Sexton.
Mr. Henry Hobhouse.
Sir Richard Webster.

Mr. *Henry Hobhouse*, a Member of the Committee, was examined, and produced the Patent of the Earldom of Selborne.

DRAFT REPORT, proposed by the *Chairman*, read the first time, as follows:

"The Select Committee appointed to inquire and report whether the Honourable William Waldegrave Palmer, commonly called Viscount Wolmer, has since his election to this House succeeded to the Earldom of Selborne in the Peerage of the United Kingdom, have agreed to the following Report:—

"The Committee having considered the matters referred to them, and having taken evidence thereon, report:

"That the Honourable William Waldegrave Palmer, commonly called Viscount Wolmer, has since his election to this House succeeded to the Earldom of Selborne in the Peerage of the United Kingdom."

DRAFT REPORT read a second time, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence.

MINUTES OF EVIDENCE.

Monday, 20th May 1895.

MEMBERS PRESENT:

Mr. Chancellor of the Exchequer.
Mr. Henry Hobhouse.
Mr. Labouchere.
Mr. Sexton.
Sir Richard Webster.

MR. CHANCELLOR OF THE EXCHEQUER IN THE CHAIR.

Mr. HENRY HOBHOUSE (a Member of the Committee); Examined.

Chairman.

1. I BELIEVE you are authorised on the part of Lord Selborne to produce certain documents?—Yes.

2. Do you produce a certified copy of the marriage of the late Earl of Selborne?—Yes.

3. Will you hand it in?—Yes. (*The same was handed in.*)

4. Do you produce also a certified copy of the birth of the late Earl Selborne's eldest son?—Yes. (*The same was handed in.*)

5. Is that the person who, as Lord Wolmer, sat in the House of Commons?—Yes.

Chairman—continued.

6. Do you produce a certified copy of the burial of the late Earl of Selborne?—I do. (*The same was handed in.*)

7. Do you produce the patent of the Barony of Selborne?—I do. (*The same was handed in.*)

8. Do you also produce the patent of the Earldom of Selborne?—No; that has not been sent to me.

9. The Committee think it desirable that they should also have produced before them the patent of the Earldom; will you kindly ask for that document, in order that it may be produced before the Committee at their sitting to-morrow?—I will do so.

Tuesday, 21*st May* 1895.

MEMBERS PRESENT:

Mr. Chancellor of the Exchequer.
Mr. Henry Hobhouse.
Mr. Labouchere.
Mr. Sexton.
Sir Richard Webster.

MR. CHANCELLOR OF THE EXCHEQUER IN THE CHAIR.

Mr. HENRY HOBHOUSE (a Member of the Committee); further Examined.

Chairman.

10. Do you, on behalf of Lord Selborne, produce the Patent of the Earldom of Selborne?—I do. (*Producing the same.*)

Chairman—continued.

11. Will you hand it in?—Yes. (*The same was handed in.*)

REPORT

FROM THE

SELECT COMMITTEE

ON THE

EARLDOM OF SELBORNE;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
21 *May* 1895.

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REPORT

FROM THE

STANDING COMMITTEE

ON

TRADE (INCLUDING AGRICULTURE AND FISHING), SHIPPING, AND MANUFACTURES,

ON THE

FACTORIES AND WORKSHOPS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
1 *July* 1895.

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90, West Nile Street, Glasgow; or
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349.

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PROCEEDINGS OF THE COMMITTEE - - - - - - p. 6

1895.

STANDING COMMITTEE ON TRADE (INCLUDING AGRICULTURE AND FISHING), SHIPPING AND MANUFACTURES.

[*Tuesday, 26th February* 1895]:—Sir John Mowbray reported from the Committee of Selection; That they had nominated the following Members to serve on the Standing Committee for the consideration of all Bills relating to Trade (including Agriculture and Fishing), Shipping, and Manufactures.

Committee nominated of—

Mr. Addison.
Mr. Arch.
Mr. Attorney General.
Sir John Barran.
Sir Michael Hicks Beach.
Mr. Blake.
Mr. Bonsor.
Mr. Boord.
Mr. Broadhurst.
Mr. Brown.
Mr. Burt.
Mr. Caine.
Mr. Campbell-Bannerman.
Mr. Chamberlain.
Mr. Channing.
Mr. Jesse Collings.
Mr. Colman.
Sir Charles Dalrymple.
Baron Henry De Worms.
Sir Frederick Dixon-Hartland.
Mr. Everett.
Mr. Charles Fenwick.
Mr. Hayes Fisher.
Mr. Penrose FitzGerald.
Mr. Gilliat.
Mr. Goschen.
Mr. Gourley.
Sir Reginald Hanson.
Mr. Harrington.
Sir John Hibbert.
Sir William Houldsworth.
Mr. Howell.
Mr. Jackson.
Sir James Joicey.
Mr. Kenrick.
Mr. Long.
Sir John Lubbock.
Mr. Macartney.
Dr. M'Donnell.
Mr. Mowbray.
Mr. Mundella.
Mr. Murray.
Mr. Naoroji.
Sir Stafford Northcote.
Mr. T. P. O'Connor.
Mr. Oldroyd.
Sir Richard Paget.
Sir Joseph Pease.
Mr. Power.
Mr. Randell.
Mr. Rankin.
Mr. Rathbone.
Mr. Roche.
Mr. Round.
Colonel Saunderson.
Mr. Sexton.
Mr. Thomas Shaw.
Mr. Samuel Smith.
Sir Mark Stewart.
Mr. T. D. Sullivan.
Mr. Tomlinson.
Sir George Trevelyan.
Sir Richard Webster.
Mr. R. G. Webster.
Mr. Stephen Williamson.
Mr. C. H. Wilson.
Mr. John Wilson (*Govan*).
Mr. Young.

[*Monday, 11th March* 1895]:—*Ordered*, That all Standing Committees have leave to print and circulate with the Votes the Minutes of their Proceedings and any amended clauses of Bills committed to them.

[*Tuesday*, 30*th April* 1895]:—Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Members from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures:—Mr. Arch, Mr. Blake, Mr. Boord, Baron Henry De Worms, Mr. Walter Long, Sir Richard Paget, Mr. Power, Mr. Roche, Mr. Round, and Mr. Charles Wilson; and had appointed in substitution: Mr. William Allen, Mr. Michael Austin, Sir James Fergusson, Sir John Gorst, Mr. Charles Hobhouse, Mr. E. J. C. Morton, Mr. Renshaw, Mr. Seton-Karr, Mr. Philip Stanhope, and Mr. Wyndham.

[*Friday*, 26*th April* 1895]:—Sir Julian Goldsmid reported from the Chairmen's Panel; That they had appointed Mr. Stuart-Wortley to act as Chairman of the Standing Committee for the consideration of Bills relating to Trade (including Agriculture and Fishing), Shipping, and Manufactures, in the place of Sir Julian Goldsmid.

Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Members from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures:—Mr. Campbell-Bannerman, Mr. Everett, Sir John Hibbert, Mr. T. P. O'Connor, Sir George Trevelyan, and Mr. Stephen Williamson; and had appointed in substitution: Mr. Secretary Asquith, Mr. John Burns, Mr. Byles, Sir Joseph Leigh, Mr. George Russell, and Mr. Tennant.

Sir John Mowbray further reported from the Committee; That they had added to the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures the following Fifteen Members, in respect of the Factories and Workshops Bill:—Mr. Albert Bright, Mr. Sydney Buxton, Mr. Cohen, Mr. Crean, Sir Charles Dilke, Dr. Farquharson, Sir Alfred Hickman, Sir Benjamin Hingley, Sir Henry James, Mr. Matthews, Mr. Walter M'Laren, Mr. T. H. Sidebottom, Mr. Whiteley, Mr. William Williams, and Mr. Woods.

[*Friday*, 3*rd May* 1895]:—Factories and Workshops [Expenses],—Resolution reported:—"That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of any expense incurred in any special inquiries and re-examinations by certifying surgeons under the provisions of any Act of the present Session to amend and extend the Law relating to Factories and Workshops."

Resolution *agreed to.*

[*Tuesday*, 7*th May* 1895]:—Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Members from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures:—Sir Joseph Pease, and Sir Mark Stewart; and had appointed in substitution: Mr. Gerald Balfour and Mr. Johnson-Ferguson.

[*Friday*, 10*th May* 1895]:—Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Member from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures:—Sir John Lubbock; and had appointed in substitution: Mr. Heneage.

[*Thursday*, 16*th May* 1895]:—*Ordered*, That, until the conclusion of the proceedings on the Factories and Workshops Bill, the Standing Committee on Trade have leave to sit during the sitting and notwithstanding any adjournment of the House.

[*Tuesday*, 28*th May* 1895]:—Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Members from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures:—Mr. Charles Fenwick and Mr. Howell; and had appointed in substitution: Mr. Archibald Grove and Mr. Havelock Wilson.

REPORT.

THE STANDING COMMITTEE on TRADE (including AGRICULTURE and FISHING), SHIPPING, and MANUFACTURES, to whom the FACTORIES AND WORKSHOPS BILL was referred;——HAVE gone through the BILL, and made Amendments thereunto.

1 *July* 1895.

STANDING COMMITTEE ON TRADE (INCLUDING AGRICULTURE AND FISHING), SHIPPING, AND MANUFACTURES.

Tuesday, 7th May 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Sir John Barran.
Sir Michael Hicks Beach.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. Brown.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Channing.
Mr. Cohen.
Mr. Colman.
Sir Charles Dalrymple.
Sir Charles Dilke.
Dr. Farquharson.
Sir James Fergusson.
Mr. Hayes Fisher.
Mr. R. U. Penrose FitzGerald.
Mr. Gilliat.
Sir John Gorst.
Mr. Goschen.
Mr. Gourley.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Sir William Houldsworth.
Mr. Jackson.
Sir James Joicey.
Sir Joseph Leigh.
Sir John Lubbock.
Mr. Macartney.
Mr. Matthews.
Dr. M'Donnell.
Mr. Mowbray.
Mr. Mundella.
Mr. Murray.
Mr. Naoroji.
Sir Stafford Northcote.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Seton-Karr.
Mr. Sexton.
Mr. T. H Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Sir Mark Stewart.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whiteley.
Mr. William Williams.
Mr. Woods.
Mr. Wyndham.
Mr. Young.

FACTORIES AND WORKSHOPS BILL.

Clause 1.—Amendment proposed, in page 1, line 8, after the word "shall," to insert the words "unless the medical officer of health certify otherwise"—(Mr. *Macartney*).—Question put, That the proposed words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 1, line 15, to leave out from the word "Provided" to the end of the Clause—(Mr. *Tomlinson*).—Question put, That the words "Provided that" stand part of the Clause.—The Committee divided:

Ayes, 31.	Noes, 16.
Mr. William Allen.	Mr. Addison.
Mr. Asquith.	Sir Michael Hicks Beach.
Mr. Michael Austin.	Sir James Fergusson.
Sir John Barran.	Mr. R. U. Penrose FitzGerald.
Mr. Albert Bright.	Mr. Gilliat.
Mr. Broadhurst.	Sir Alfred Hickman.

Mr.

Ayes—*continued.*

Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Channing.
Mr. Cohen.
Mr. Colman.
Sir Charles Dilke.
Mr. Hayes Fisher.
Mr. Gourley.
Sir Benjamin Hingley.
Sir James Joicey.
Sir Joseph Leigh.
Dr. M'Donnell.
Mr. Mowbray.
Mr. Mundella.
Mr. Naoroji.
Mr. Oldroyd.
Mr. Rathbone.
Mr. Sexton.
Mr. Philip Stanhope.
Mr. Tennant.
Mr. William Williams.
Mr. Woods.
Mr. Wyndham.

Noes—*continued.*

Sir William Houldsworth.
Mr. Macartney.
Mr. Matthews.
Sir Stafford Northcote.
Mr. Rankin.
Mr. Renshaw.
Mr. T. H. Sidebottom
Mr. Tomlinson.
Mr. Whiteley.
Mr. Young.

Another Amendment proposed, in page 1, line 15, to leave out from the words "the Secretary of State" to the end of the Clause, and to insert the words—

"(a) The number of persons employed in a room shall be reckoned for the purposes of this section as if there were added to the persons actually so employed one person for three gas burners when lighted, and so in proportion for any multiple of three; and

"(b) The Secretary of State may, as regards any particular manufacturing processes or handicrafts, by order, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and this section shall in the case of every such process or handicraft have effect as modified by the order"

—(Sir *Charles Dilke*).—Question proposed, That the words "the Secretary of State" stand part of the Clause.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 1, line 15, to leave out the word "may," and insert the word "shall"—(Mr. *William Allen*).—Question, That the word "may" stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 17, after the word "light," to insert the words "other than electric light"—(Mr. *William Allen*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 17, after the word "employed," to insert the words "for illuminating purposes"—(Mr. *Whiteley*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 19, after the word "handicraft," to insert the words "in the trades specified in the Fifth Schedule to this Act"—(Mr. *Renshaw*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 1, line 21, after the word "thereupon," to insert the words "intimation shall be made to all factories and workshops affected by such order and"—(Mr. *Renshaw*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 1, line 21, at end of the Clause, to add the words "Section seventy-eight of the principal Act shall be read as if there were included among the notices required by that section to be affixed the following notice, namely, a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of this section"—(Sir *Charles Dilke*).—Question, That those words be there added,—put, and *agreed to.*

Question, That Clause 1, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 2.—An Amendment proposed, in page 1, line 23, after the word "inspector," to insert the words "which shall be immediately notified to all parties concerned"—(Mr. *Whiteley*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Question, That Clause 2 stand part of the Bill,—put, and *agreed to.*

Clause 3, *agreed to.*

Clause 4.—Amendment proposed, in page 2, line 19, after the word "machine," to insert the words "plant or gear"—(Mr. *Broadhurst*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 2, line 27, after the word "prohibiting," to insert the words "either absolutely or subject to conditions"—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 2, line 28, after the word "machine," to insert the words "unless duly repaired or altered"—(Mr. *Tomlinson*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn*.

Question, That Clause 4, as amended, stand part of the Bill,—put, and *agreed to*.

Clause 5.—Amendment proposed, in page 2, line 24, to leave out Sub-section (1), and insert the words—

"Where any work is given out from a factory or workshop to be carried on in any place for the purpose of or in connection with the business of the factory or workshop, the occupier of the factory or workshop shall—

"If the place is licensed under this section, within the first twenty-one days of January in each year;

"Or otherwise, before giving out any work to be done in the place;

send to the inspector of the district a written application to have the place licensed under this section, together with a notice in the prescribed form containing particulars of the description and situation of the place, and of the work carried on or to be carried on there, and of other prescribed matters.

"In default of sending such application and notice the occupier shall be liable on summary conviction to a fine not exceeding ten pounds for each day on which work is given out from the factory or workshop to be done in the place.

"If the inspector is of opinion that the place is not injurious or dangerous to the health of the persons employed there, and is free from infectious disease, he shall issue to the occupier of the factory or workshop a license for the place in the prescribed form.

"If at any time the inspector is of opinion that the place is injurious or dangerous to the health of the persons employed there, or contains any person suffering from infectious disease, he shall serve on the occupier of the factory or workshop a notice that the license for the place will not be issued, or (if it is already issued) is suspended, until the place is free from injury or danger to the health of the persons employed there or from infectious disease.

"The occupier of the factory may appeal to the chief inspector to set aside a notice of refusal or suspension of a license, and the decision of the chief inspector shall be final.

"If the occupier of the factory or workshop gives out work to be done in a place for which a licence under this section has been refused or suspended, he shall be liable on summary conviction to a fine not exceeding fifty pounds for each day on which he so gives out the work: Provided that the chief inspector may, if he thinks fit, in case of an appeal to him under this section, suspend the liability to such fine until he has determined the appeal"—(Mr. *William Allen*).—Question put, That the word "If" stand part of the Clause.—The Committee divided:

Ayes, 48.	Noes, 8.
Mr. Addison.	Mr. William Allen.
Mr. Asquith.	Sir John Barran.
Mr. Michael Austin.	Mr. Broadhurst.
Sir Michael Hicks Beach.	Mr. John Burns.
Mr. Albert Bright.	Sir Charles Dilke.
Mr. Brown.	Mr. Naoroji.
Mr. Burt.	Mr. Randell.
Mr. Sydney Buxton.	Mr. Woods.
Mr. Byles.	
Mr. Channing.	
Mr. Cohen.	
Mr. Colman.	
Sir Charles Dalrymple.	
Sir James Furgusson.	
Mr. Hayes Fisher.	
Mr. R. U. Penrose FitzGerald.	
Sir John Gorst.	
Mr. Goschen.	
Mr. Gourley.	
Sir Alfred Hickman.	
Sir Benjamin Hingley.	
Sir William Houldsworth.	
Mr. Jackson.	
Sir Joseph Leigh.	

Ayes—*continued.*

Mr. Macartney.
Mr. Matthews.
Dr. M'Donnell.
Mr. Mowbray.
Sir Stafford Northcote.
Mr. Oldroyd.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Seton-Karr.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Sir Mark Stewart.
Mr. D. T. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whiteley.
Mr. William Williams.
Mr. Wyndham.
Mr. Young.

Another Amendment proposed, in page 2, line 34, to leave out from the word "an" to the end of Sub-section (1), and to insert the words "the occupier of a factory or workshop, gives out work to be carried on for the purpose of or in connection with the business of the factory or workshop, and the work is carried on in a place which is injurious or dangerous to the health of the persons employed therein, the occupier of the factory or workshop shall be liable on summary conviction to a fine not exceeding twenty pounds"—(Sir *Charles Dilke*).—Question put, That the word "an" stand part of the Clause.—The Committee divided:

Ayes, 41.

Mr. Addison.
Mr. Asquith.
Mr. Michael Austin.
Sir John Barran.
Sir Michael Hicks Beach.
Mr. Albert Bright.
Mr. Brown.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Cohen.
Sir James Fergusson.
Mr. Hayes Fisher.
Sir Alfred Hickman.
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Mr. George Russell.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Sir Mark Stewart.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whiteley.
Mr. William Williams.
Mr. Wyndham.
Mr. Young.

Noes, 9.

Mr. William Allen.
Mr. Broadhurst.
Mr. John Burns.
Mr. Channing.
Sir Charles Dilke.
Mr. Naoroji.
Mr. Randell.
Mr. Philip Stanhope.
Mr. Woods.

Another Amendment proposed, in page 2, line 34, to leave out the word "inspector" and insert the words "medical officer of health or inspector of nuisances of a sanitary authority"—(Mr. *Macartney*).

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 9th May 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. Brown.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Caine.
Mr. Cohen.
Mr. Colman.
Mr. Crean.
Sir Charles Dilke.
Dr. Farquharson.
Mr. Johnson-Ferguson.
Sir James Fergusson.
Mr. Gourley.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Mr. Jackson.
Sir James Joicey.
Sir Joseph Leigh.
Mr. Macartney.
Dr. M'Donnell.
Mr. Matthews.
Mr. Mowbray.
Mr. Mundella.
Mr. Naoroji.
Sir Stafford Northcote.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Renshaw.
Mr. Seton-Karr.
Mr. Sexton.
Mr. T. D. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. Whiteley.
Mr. William Williams.
Mr. Woods.
Mr. Wyndham.
Mr. Young.

Clause 5.—Amendment proposed, in page 2, line 34, to leave out the word "inspector," and insert the words "medical officer of health or inspector of nuisances of a sanitary authority"—(Mr. *Macartney*).—Question proposed, That the word "inspector" stand part of the Clause.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 2, line 35, after the word "workshop," to insert the words "or to any contractor employed by any such occupier"—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 2, line 35, after the word "place," to insert the words "not being a factory"—(Mr. *Johnson-Ferguson*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 2, line 35, after the word "place," to insert the words "not being a dwelling-place"—(Mr. *Matthews*).—Question put, That those words be there inserted. The Committee divided:

Ayes, 19.	Noes, 33.
Mr. Addison.	Mr. William Allen.
Mr. Gerald Balfour.	Mr. Asquith.
Mr. Albert Bright.	Mr. Michael Austin.
Mr. Brown.	Sir John Barran.
Mr. Cohen.	Mr. Broadhurst.
Sir James Fergusson.	Mr. John Burns.
Sir Alfred Hickman.	Mr. Burt.
Mr. Jackson.	Mr. Sydney Buxton.
Mr. Macartney.	Mr. Byles.
Mr. Matthews.	Mr. Caine.
Mr. Mowbray.	Mr. Colman.
Sir Stafford Northcote	Mr. Crean.
Mr. Rankin.	Sir Charles Dilke.
Mr. Renshaw.	Dr. Farquharson.
Mr. Seton-Karr.	Mr. Gourley.
Mr. T. H. Sidebottom.	Sir Benjamin Hingley.
Mr. T. D. Sullivan.	Mr. Charles Hobhouse.

Ayes—*continued.*	Noes—*continued.*
Mr. Tomlinson.	Mr. Johnson-Ferguson.
Mr. Whiteley.	Sir James Joicey.
	Sir Joseph Leigh.
	Dr. M'Donnell.
	Mr. Mundella.
	Mr. Naoroji.
	Mr. Oldroyd.
	Mr. Randell.
	Mr. Sexton.
	Mr. Samuel Smith.
	Mr. Philip Stanhope.
	Mr. Tennant.
	Mr. William Williams.
	Mr. Woods.
	Mr. Wyndham.
	Mr. Young.

Another Amendment proposed, in page 2, line 35, after the word "place," to insert the words "subject to inspection under the Factory and Workshops Act"—(Mr. *Gerald Balfour*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed, in page 2, line 38, after the word "occupier," to insert the words "or contractor"—(Mr. Secretary *Asquith*).—Question, That the words "or contractor" be there inserted,—put, and *agreed to.*

Another Amendment made.

Another Amendment proposed, in page 2, line 44, to leave out from the second word "and,' to the word "work," in page 3, line 1—(Mr. Secretary *Asquith*).— Question, That the words "and to every contractor employed by any such occupier in connection with the work" stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 3, line 2, after the word "workshop," to insert the words "but shall not apply to any rural sanitary district in Ireland"—(Mr. *Macartney*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 3, line 2, to insert the following Sub-section:—"(3.) Where an inspector has given notice to the occupier of a factory or workshop under this section, and the place has since been certified by the inspector to be no longer injurious or dangerous, notice of this shall at once be given in writing by the inspector to the person to whom the original notice was given"—(Mr. *Johnson-Ferguson*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 3, to leave out Sub-section (3)—(Sir *Charles Dilke*).—Question put, That Sub-section (3) stand part of the Clause.—The Committee divided:

Ayes, 36.	Noes, 9.
Mr. Addison.	Mr. William Allen.
Mr. Asquith.	Mr. Broadhurst.
Mr. Michael Austin.	Mr. John Burns.
Mr. Gerald Balfour.	Mr. Byles.
Sir John Barran.	Mr. Caine.
Mr. Burt.	Sir Charles Dilke.
Mr. Sydney Buxton.	Mr. Naoroji.
Mr. Cohen.	Mr. Randell.
Mr. Crean.	Mr. Woods.
Dr. Farquharson.	
Sir James Fergusson.	
Sir Alfred Hickman.	
Sir Benjamin Hingley.	
Mr. Charles Hobhouse.	
Mr. Jackson.	
Mr. Johnson-Ferguson.	
Sir James Joicey.	
Sir Joseph Leigh.	
Mr. Macartney.	
Mr. Matthews.	
Mr. Mowbray.	
Mr. Mundella.	
Mr. Oldroyd.	
Mr. Rankin.	
Mr. Renshaw.	
Mr. Seton-Karr.	

Ayes—*continued.*

Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. Whiteley.
Mr. Wyndham.
Mr. Young.

Another Amendment proposed.—At the end of the Clause to add the following new Sub-section :—" Provided that this section shall not apply to any place which is not a city, town, or other populous area, unless the carrying on of the work in that place is dangerous to the public health by reason of the existence therein of infectious disease "—(Mr. *Sexton*).

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 14*th May* 1895.

MEMBERS PRESENT :

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Sir Michael Hicks Beach.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. Brown.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Caine.
Mr. Chamberlain.
Mr. Channing.
Mr. Cohen.
Mr. Colman.
Mr. Crean.
Sir Charles Dilke.
Dr. Farquharson.
Mr. Johnson-Ferguson.
Mr. Hayes Fisher.
Mr. R. U. Penrose FitzGerald.
Mr. Gilliat.
Sir John Gorst.
Mr. Gourley.
Ma. Heneage.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Sir William Houldsworth.
Mr. Jackson.
Sir Joseph Leigh.
Dr. M'Donnell.
Mr. Walter M'Laren.
Mr. Matthews.
Mr. Mowbray.
Mr. Naoroji.
Mr. Oldroyd.
Mr. Randell.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Seton-Karr.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whiteley.
Mr. William Williams.
Mr. Woods.
Mr. Wyndham.
Mr. Young.

Clause 5.—Amendment again proposed, in page 3, at the end of the Clause, to add the following Sub-section :—" Provided that this section shall not apply to any place which is not in a city, town, or other populous area, unless the carrying on of the work in that place is dangerous to the public health by reason of the existence therein of infectious disease "—(Mr. *Sexton*).—Question proposed, That those words be there added.

Amendment, by leave, *withdrawn.*

Question, That Clause 5, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 6.—Amendment proposed, in page 3, line 8, after the word " workshop," to insert the words " or of any place from which any work is given out or any contractor employed by any such occupier "—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to.*

Another

Another Amendment proposed, in page 3, line 8, to leave out the word "knowingly"—(Sir *Charles Dilke*).—Question put, That the word "knowingly" stand part of the Clause.—The Committee divided:

Ayes, 12.	Noes, 38.
Mr. Addison.	Mr. Asquith.
Sir Michael Hicks Beach.	Mr. Michael Austin.
Mr. Brown.	Mr. Gerald Balfour.
Mr. Colman.	Sir John Barran.
Mr. R. U. Penrose FitzGerald.	Mr. Albert Bright.
Sir William Houldsworth.	Mr. Broadhurst.
Mr. Jackson.	Mr. John Burns.
Mr. Johnson-Ferguson.	Mr. Burt.
Mr. Matthews.	Mr. Sydney Buxton.
Mr. Tomlinson.	Mr. Byles.
Mr. Whiteley.	Mr. Joseph Chamberlain.
Mr. Young.	Mr. Channing.
	Mr. Cohen.
	Mr. Crean.
	Sir Charles Dilke.
	Dr. Farquharson.
	Mr. Heneage.
	Sir Alfred Hickman.
	Sir Benjamin Hingley.
	Mr. Charles Hobhouse.
	Sir Joseph Leigh.
	Dr. M'Donnell.
	Mr. Walter M'Laren.
	Mr. Mowbray.
	Mr. Naoroji.
	Mr. Oldroyd.
	Mr. Randell.
	Mr. Rathbone.
	Mr. Renshaw.
	Mr. George Russell.
	Mr. Sexton.
	Mr. T. H. Sidebottom.
	Mr. Samuel Smith.
	Mr. T. D. Sullivan.
	Mr. Tennant.
	Mr. John Wilson (*Govan*).
	Mr. Woods.
	Mr. Wyndham.

Another Amendment proposed, in page 3, line 9, after the word "be," to insert the words "given out to be"—(Mr. *Renshaw*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 3, line 10, to leave out the words, "building, any inmate of which," and insert the words "dwelling-house or building occupied therewith, whilst any inmate of the dwelling-house"—(Mr. Secretary *Asquith*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived*.

Question, That the words "dwelling-house or building occupied therewith, whilst any inmate of the dwelling-house" be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 3, lines 10 and 11, to leave out the words "scarlet fever or small-pox," and insert the words "any of the diseases specified in Section six of 'The Infectious Diseases Notification Act, 1889'"—(Dr. *Farquharson*).—Question proposed, That the words "scarlet fever or small-pox" stand part of the Clause.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 3, line 11, after the word "small-pox," to insert the words "then, unless he proves that he was not aware of the existence of the illness in the dwelling-house, and could not reasonably have been expected to become aware of it"—(Sir *Charles Dilke*).—Question, That those words be there inserted,—put, and *agreed to*.

Question, That Clause 6, as amended, stand part of the Bill,—put, and *agreed to*.

Clause 7.—Amendment proposed, in page 2, line 14, after the first word "any," to insert the words "water wheel or"—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 3, line 14, after the word "power," to insert the following sub-section: "(2.) In paragraph three of the same section, after the word 'employed,' the words 'or working' shall be inserted"—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 3, line 18, after the word "repair," to add the words "or are necessarily exposed for the purpose of cleaning or lubricating, or for altering the gearing or arrangements of the parts of the machine"—Mr. *Tomlinson*).—Question, That those words be there added,—put, and *agreed to.*

Question, That Clause 7, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 8.—Amendment proposed, in page 3, line 20, after the word "apply," to insert the words "so far as the dangerous parts of machinery are concerned"—(Mr. *Whiteley*).—Question proposed, That those words be there inserted.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 16*th May* 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. William Allen.	Sir James Joicey.
Mr. Michael Austin.	Sir Joseph Leigh.
Mr. Gerald Balfour.	Mr. Macartney.
Sir John Barran.	Dr. M'Donnell.
Mr. Broadhurst.	Mr. Walter M'Laren.
Mr. Brown.	Mr. Matthews.
Mr. John Burns.	Mr. Mowbray.
Mr. Burt.	Mr. Mundella.
Mr. Sydney Buxton.	Mr. Naoroji.
Mr. Byles.	Mr. Oldroyd.
Mr. Caine.	Mr. Randell.
Mr. Chamberlain.	Mr. Rankin.
Mr. Channing.	Mr. Rathbone.
Mr. Cohen.	Mr. Renshaw.
Mr. Colman.	Mr. George Russell.
Mr. Crean.	Mr. Seton-Karr.
Sir Charles Dilke.	Mr. Sexton.
Dr. Farquharson.	Mr. T. H. Sidebottom.
Sir James Fergusson.	Mr. Samuel Smith.
Mr. R. U. Penrose FitzGerald.	Mr. Philip Stanhope.
Sir John Gorst.	Mr. T. D. Sullivan.
Mr. Gourley.	Mr. Tennant.
Sir Alfred Hickman.	Mr. Tomlinson.
Sir Benjamin Hingley.	Mr. Whiteley.
Mr. Charles Hobhouse.	Mr. William Williams.
Sir William Houldsworth.	Mr. Wyndham.
Mr. Johnson-Ferguson.	Mr. Young.

Clause 8.—Amendment again proposed, in page 3, line 20, after the word "apply," to insert the words "so far as the dangerous parts of machinery are concerned"—(Mr. *Whiteley*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 3, line 21, after the word "persons," to insert the words "below the age of fifteen"—(Mr. *Cohen*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed, in page 3, line 21, after the word "persons," to insert the words "and to women"—(Mr. *John Burns*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 20.	Noes, 32.
Mr. William Allen.	Mr. Gerald Balfour.
Mr. Michael Austin.	Mr. Brown.
Sir John Barran.	Mr. Burt.
Mr. Broadhurst.	Mr. Sydney Buxton.
Mr. John Burns.	Mr. Joseph Chamberlain.
Mr. Byles.	Mr. Cohen.
Mr. Caine.	Mr. Colman.
Mr. Channing.	Mr. Crean.
Sir Charles Dilke.	Sir James Fergusson.
Mr. R. U. Penrose FitzGerald.	Sir John Gorst.
Mr. Johnson-Ferguson.	Sir Alfred Hickman.
Dr. M'Donnell.	Sir Benjamin Hingley.

Ayes—*continued.*

Mr. Naoroji.
Mr. Oldroyd.
Mr. Randell.
Mr. Seton-Karr.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. William Williams.
Mr. Wyndham.

Noes—*continued.*

Mr. Charles Hobhouse.
Sir William Houldsworth.
Sir James Joicey.
Sir Joseph Leigh.
Mr. Macartney.
Mr. Matthews.
Mr. Walter M'Laren.
Mr. Mowbray.
Mr. Mundella.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. Tomlinson.
Mr. Whiteley.
Mr. Young.

Another Amendment proposed, in page 3, line 21, to leave out from the word "accordingly" to the end of the Clause, and add the words "for this purpose such parts of the machinery shall be presumed to be dangerous as are so notified by an inspector to the occupier of the factory"—(Mr. *Sydney Buxton*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question, That those words be there added,—put, and *agreed to.*

Another Amendment proposed, in page 3, line 23, at the end of the Clause, to add the words "(2) A person shall not clean in the space between the back of the traversing carriage of any self-acting machine and the fixed part of such machine unless such traversing carriage is stopped and upon the outward run. Any person acting in contravention of this sub-section shall be liable upon summary conviction to a fine not exceeding one pound for every such offence"—(Mr. *Whiteley*).—Question proposed, That those words be there added.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 3, line 23, at the end of the Clause, to add the words "the expression 'cleaning' in Section nine of the principal Act shall not include any cleaning of a machine in motion which is a necessary part of the process of manufacture"—(Mr. *Renshaw*).—Question proposed, That those words be there added.

Amendment, by leave, *withdrawn.*

Question, That Clause 8, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 9.—Amendment proposed, in page 3, line 24, after the word "machine," to insert the words "in a factory"—(Mr. *Whiteley*).—Question proposed, That the words "in a factory" be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 3, line 30, after the word "if," to insert the words "the factory has been erected before the commencement of this Act and"—(Mr. *Johnson-Ferguson*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 3, line 30, to leave out the words "is on the same site as and"—Mr. *Johnson-Ferguson*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 3, line 31, after the word "existing," to insert the words "in the same factory"—(Mr. *Sydney Buxton*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 3, line 32, after the word "the," to insert the word "previously"—(Mr. *Sydney Buxton*).—Question, That the word "previously" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 3, line 34, after the word "inches," to insert the following sub-section: "(2) A person employed in a factory shall not be allowed to be between the fixed and the traversing portions of a self-acting machine unless the machine is stopped with the traversing portion on the outward run, but for the purpose of this provision the front stops of a self-acting machine shall not be deemed part of the machine"—(Mr. *Sydney Buxton*).—Question proposed, That the proposed words be there inserted.—Amendment proposed to the proposed Amendment, in line 1, after the second word "be," to insert the words "in the space"—(Mr. *Sydney Buxton*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment made.

Another Amendment proposed to the proposed Amendment, in line 4, to leave out the words "deemed part of the machine," and add the words "included in the space aforesaid"—(Mr. *Sydney Buxton*).—Question, That the words proposed to be left out stand part of the proposed Amendment,—put, and *negatived*.

Question, That those words be there added,—put, and *agreed to*.

Question, That the proposed Amendment, as amended, be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 3, line 35, to leave out the words "there is a," and insert the words "a traversing carriage is allowed to run out in"—(Mr. *Sydney Buxton*).—Question, That the words "there is a" stand part of the Clause,—put, and *negatived*.

Question, That the proposed words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 3, line 36, at the end of the Clause, to add the words "any person allowed to be in the space aforesaid, in contravention of this section, shall be deemed to be employed contrary to the provisions of the principal Act"—(Mr. *Sydney Buxton*).—Question, That those words be there added,—put, and *agreed to*.

Another Amendment proposed, in page 3, at the end of the Clause, as amended, to add the words "Any person acting in contravention of this sub-section shall be liable, on summary conviction, to a fine not exceeding one pound for every such offence"—(Mr. *Whiteley*).

The Chairman reported that he had obtained the leave of the House to sit, notwithstanding the sitting of the House.

Motion made, and Question, That the Committee do now adjourn—(Mr. *Tomlinson*),—put, and *negatived*.

Question, That the proposed words be there added,—put, and *negatived*.

Question, That Clause 9, as amended, stand part of the Bill,—put, and *agreed to*.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 21*st May* 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Sir Michael Hicks Beach.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. Brown.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Channing.
Sir Charles Dalrymple.
Sir Charles Dilke.
Dr. Farquharson.
Sir James Fergusson.
Mr. Hayes Fisher.
Mr. R. U. Penrose FitzGerald.
Mr. Gilliat.
Sir John Gorst.
Mr. Gourley.
Mr. Heneage.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Sir William Houldsworth.
Mr. Jackson.
Mr. Johnson-Ferguson.
Sir James Joicey.
Mr. Macartney.
Dr. M'Donnell.
Mr. Walter M'Laren.
Mr. Matthews.
Mr. E. J. C. Morton.
Mr. Mundella.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Seton-Karr.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. Whiteley.
Mr. William Williams.
Mr. Woods.
Mr. Wyndham.
Mr. Young.

Clause 10.—Amendment proposed, in page 3, to leave out Sub-section (1), and insert the words "When the provision of a movable fire escape or movable fire escapes is required for the safety of any of the persons employed in a factory or workshop, the occupier of the factory or workshop

workshop shall provide and keep in working order a moveable fire escape or moveable fire escapes sufficient for that purpose"—(Sir *Charles Dilke*).—Question put, That the words "a court of summary jurisdiction" stand part of the Clause.—The Committee divided:

Ayes, 34.	Noes, 10.
Mr. Addison.	Mr. William Allen.
Mr. Asquith.	Mr. Broadhurst.
Mr. Michael Austin.	Mr. John Burns.
Mr. Gerald Balfour.	Sir Charles Dalrymple.
Sir John Barran.	Sir Charles Dilke.
Sir Michael Hicks Beach.	Sir John Gorst.
Mr. Albert Bright.	Mr. Randell.
Mr. Burt.	Mr. Philip Stanhope.
Mr. Sydney Buxton.	Mr. Woods.
Sir James Fergusson.	Mr. Wyndham.
Mr. R. U. Penrose FitzGerald.	
Sir Alfred Hickman.	
Sir Benjamin Hingley.	
Sir William Houldsworth.	
Mr. Johnson-Ferguson.	
Sir James Joicey.	
Mr. Macartney.	
Mr. Matthews.	
Dr. M'Donnell.	
Mr. Walter M'Laren.	
Mr. Mundella.	
Mr. Oldroyd.	
Mr. Rankin.	
Mr. Rathbone.	
Mr. Renshaw.	
Mr. George Russell.	
Mr. Seton-Karr.	
Mr. T. H. Sidebottom.	
Mr. T. D. Sullivan.	
Mr. Tennant.	
Mr. Tomlinson.	
Mr. Whiteley.	
Mr. William Williams.	
Mr. Young.	

Another Amendment proposed, in page 3, line 41, after the word "provide," to insert the words "and maintain"—(Mr. Secretary *Asquith*).—Question, That the words "and maintain" be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 3, line 42, after Sub-section (1), to insert the words—"(2) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, shall not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside"—(Sir *Charles Dilke*).—Question, That those words be there inserted,—put and *agreed to*.

Another Amendment proposed, at the end of the last Amendment, to insert the words—"(3) In every factory or workshop the construction of which is commenced after the commencement of this Act, and in which more persons than 10 are employed, the outer doors and the doors of each room shall be constructed so as to open outwards"—(Sir *Charles Dilke*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, at the end of the last Amendment, to insert the words—"(3) In every factory or workshop the construction of which is commenced after the commencement of this Act, the doors of each room, in which more persons than 10 are employed, shall, except in the case of sliding doors, be constructed so as to open outwards"—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 3, at end of last Amendment, to insert the words—"(2) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that a factory or workshop is not provided with such means of escape, in case of fire, for the persons employed therein as can reasonably be required under the circumstances of the case, by order specifying the measures necessary for providing such means of escape as aforesaid, require him to carry out the same by a specified date, and thereupon such owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements. If the owner alleges that the occupier of the factory or workshop ought to bear or contribute to the expenses of complying with the order, the court of summary jurisdiction, after hearing the occupier, may order the expenses to be divided between the owner and occupier in such

proportion as seems to the court just and equitable under all the circumstances of the case"—(Mr. *Johnson-Ferguson*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 4, line 1, at the end of the last Amendment, to insert the words—"(4) Sub-section one of Section seven of the Act of 1891 shall apply to all workshops the construction of which is commenced after the commencement of this Act, and in which more than forty persons are employed, in like manner as it applies to factories, and Sub-section two of that Section shall apply to all workshops to which the foregoing provision of this Sub-section does not apply in like manner as it applies to factories. (5) For the purpose of enforcing the provisions of Section seven of the Act of 1891 with respect to fire escapes, an inspector may give the like notice and take the like proceedings as under Section four of the principal Act and Section two of the Act of 1891, and the provisions of those sections shall apply accordingly"—Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 4, line 3, at the end of the Clause, to add the words—"Sub-section one of section seven of the Act of 1891 shall apply to all factories and workshops the construction of which is commenced after the commencement of this Act in like manner as it applies to factories the construction of which was commenced after the first day of January, one thousand eight hundred and ninety-two, and in which more than forty persons are employed, and shall so apply irrespectively of the number of persons employed. (4) Sub-section two of the said section shall apply to all factories and workshops to which Sub-section one of the said section does not apply, in like manner as it applies to factories in which more than forty persons are employed, and shall so apply irrespectively of the number of persons employed"—(Sir *Charles Dilke*).—Question, That those words be there added,—put, and *negatived*.

Another Amendment proposed, in page 4, line 3, at the end of the Clause, to add the words—"And a factory or workshop in which there is a contravention of the requirements of this section shall be deemed not to be kept in conformity with the principal Act"—(Mr. Secretary *Asquith*).—Question, That those words be there added,—put, and *agreed to*.

Question, That Clause 10, as amended, stand part of the Bill,—put, and *agreed to*.

Clause 11.—Motion made and Question proposed, That the Clause be postponed—(Mr. *Walter M'Laren*).

Amendment, by leave, *withdrawn*.

Amendment proposed, in page 4, to leave out from the word "matter" to the end of the Clause, and add the words—"Any action is taken by the Secretary of State or the chief inspector under Section twenty-six of this Act, the notice to be given by the chief inspector under Section eight of the Act of 1891 shall also be served on the workmen to whom it applies, and all powers given by that section or by the First Schedule of the Act of 1891 to the occupier shall also be possessed by the said workmen or any of them. Provided that no portion of the cost of any arbitration under the said sections or schedule shall be borne by the said workmen or their arbitrator. Rules shall be framed by the Secretary of State prescribing the method by which notice shall be served on the workmen and by which the workmen or any portion of them, even though not a majority of them, shall be able to act on the powers given to them by this section"—(Mr. *Walter M'Laren*).—Question proposed, That the words proposed to be left out stand part of the Clause.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 4, line 5, after the words "Act of 1891," to insert the words "as amended by this Act"—(Mr. *Burns*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 8.	Noes, 42.
Mr. Broadhurst.	Mr. Addison.
Mr. John Burns.	M. William Allen.
Mr. Channing.	Mr. Asquith.
Sir Charles Dilke.	Mr. Michael Austin.
Sir John Gorst.	Mr. Gerald Balfour.
Mr. E. J. C. Morton.	Sir John Barran.
Mr. Randell.	Sir Michael Hicks Beach.
Mr. Woods.	Mr. Albert Bright.
	Mr. Brown.
	Mr. Sydney Buxton.
	Mr. Byles.
	Sir Charles Dalrymple.
	Dr. Farquharson.
	Mr. Hayes Fisher.
	Mr. Gilliat.
	Mr. Heneage.
	Sir Alfred Hickman.
	Sir Benjamin Hingley.
	Sir William Houldsworth.
	Mr. Jackson.
	Mr. Johnson-Ferguson.

Noes, 42—*continued.*

Sir James Joicey.
Mr. Macartney.
Mr. Matthews.
Dr. M'Donnell.
Mr. Walter M'Laren.
Mr. Oldroyd.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Seton-Karr.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. Whiteley.
Mr. William Williams.
Mr. Wyndham.
Mr. Young.

Another Amendment proposed, in page 4, line 7, to leave out from the word "and" to the word "application" in line 9—(Mr. *Woods*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 4, line 12, after the word "arbitration," to insert the words "either in person or by his counsel, solicitor, or agent"—(Sir *Charles Dilke*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment made.

Question put, That Clause 11, as amended, stand part of the Bill.—The Committee divided:

Ayes, 40.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Sir Michael Hicks Beach.
Mr. Albert Bright.
Mr. Brown.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Sir Charles Dalrymple.
Dr. Farquharson.
Mr. Hayes Fisher.
Mr. Gilliat.
Mr. Gourley.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Sir William Houldsworth.
Mr. Jackson.
Mr. Johnson-Ferguson.
Sir James Joicey.
Mr. Matthews.
Mr. Mundella.
Mr. Oldroyd.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Seton-Karr.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Philip Stanhope.
Mr. Tennant.
Mr. Tomlinson.
Mr. Whiteley.
Mr. William Williams.
Mr. Wyndham.
Mr. Young.

Noes, 9.

Mr. Broadhurst.
Mr. John Burns.
Mr. Channing.
Sir Charles Dilke.
Mr. Walter M'Laren.
Mr. E. J. C. Morton.
Mr. Randell.
Mr. T. D. Sullivan.
Mr. Woods.

Clause 12.—Amendment proposed, in page 4, line 18, after the word "any," to insert the words "accident causing"—(Mr. *Gerald Balfour*).—Question proposed, That those words be there inserted.

[Adjourned till Thursday next, at Two o'clock.

Thursday, 23rd May 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY, in the Chair.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Caine.
Mr. Chamberlain.
Mr. Cohen.
Mr. Jesse Collings.
Mr. Colman.
Sir Charles Dalrymple.
Sir Charles Dilke.
Dr. Farquharson.
Sir James Fergusson.
Mr. Hayes Fisher.
Mr. R. U. Penrose FitzGerald.
Mr. Gilliat.
Sir John Gorst.
Mr. Gourley.
Mr. Heneage.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Sir William Houldsworth.
Mr. Jackson.
Mr. Johnson-Ferguson.
Sir James Joicey.
Sir Joseph Leigh.
Mr. Macartney.
Mr. Walter M'Laren.
Mr. Matthews.
Mr. Mowbray.
Mr. Mundella.
Mr. Naoroji.
Sir Stafford Northcote.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Seton-Karr.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. Tennant.
Mr. Tomlinson.
Sir Richard Webster.
Mr. Whiteley.
Mr. William Williams.
Mr. Woods.
Mr. Young.

Clause 12.—Amendment again proposed, in page 4, line 18, after the word "any," to insert the words "accident causing"—(Mr. *Gerald Balfour*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 4, line 18, to leave out the words "death or bodily injury," and insert the words "bodily injury, whether resulting in death or not"—(Mr. *Gerald Balfour*).—Question proposed, That the words proposed to be left out stand part of the Clause.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 4, line 21, at the end of the Clause, to add the words—"(2) The proviso to the said Section eighty-two shall not apply when the information mentioned therein was heard and dismissed more than one year previous to the time when the death or bodily injury was inflicted"—(Mr. *Charles Hobhouse*).—Question proposed, That those words be there added.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 4, line 21, at the end of the Clause, to add the words—"Provided that in the case of injury to health the occupier shall not be liable under this section unless the injury was caused solely by such neglect"—(Mr. Secretary *Asquith*).—Question proposed, That those words be there added. Amendment proposed to the proposed Amendment, in the last line, to leave out the word "solely," and insert the words "directly and specifically"—(Sir *John Gorst*).

Gorst).—Question put, That the word "solely" stand part of the proposed Amendment.—The Committee divided:

Ayes, 28.	Noes, 26.
Mr. Addison.	Mr. William Allen.
Mr. Asquith.	Mr. Michael Austin.
Mr. Gerald Balfour.	Mr. Broadhurst.
Sir John Barran.	Mr. John Burns.
Mr. Albert Bright.	Mr. Byles.
Mr. Sydney Buxton.	Mr. Caine.
Mr. Joseph Chamberlain.	Mr. Channing.
Mr. Cohen.	Mr. Colman.
Mr. Jesse Collings.	Sir Charles Dalrymple.
Dr. Farquharson.	Sir Charles Dilke.
Sir James Fergusson.	Sir John Gorst.
Mr. Hayes Fisher.	Mr. Charles Hobhouse.
Mr. Gilliat.	Sir William Houldsworth.
Mr. Gourley.	Sir James Joicey.
Mr. Heneage.	Sir Joseph Leigh.
Sir Alfred Hickman.	Mr. Walter M'Laren.
Sir Benjamin Hingley.	Mr. Naoroji.
Mr. Johnson-Ferguson.	Mr. Oldroyd.
Mr. Macartney.	Mr. Randell.
Mr. Matthews.	Mr. Rathbone.
Sir Stafford Northcote.	Mr. Samuel Smith.
Mr. Rankin.	Mr. Philip Stanhope.
Mr. Renshaw.	Mr. T. D. Sullivan.
Mr. Seton-Karr.	Mr. Tennant.
Mr. T. H. Sidebottom.	Mr. William Williams.
Mr. Tomlinson.	Mr. Woods.
Sir Richard Webster.	
Mr. Young.	

Question put, That the proposed words be added to the Clause.—The Committee divided:

Ayes, 30.	Noes, 20.
Mr. Addison.	Mr. William Allen.
Mr. Asquith.	Mr. Michael Austin.
Mr. Gerald Balfour.	Mr. John Burns.
Sir John Barran.	Mr. Caine.
Mr. Albert Bright.	Mr. Channing.
Mr. Sydney Buxton.	Mr. Colman.
Mr. Joseph Chamberlain.	Sir Charles Dilke.
Mr. Cohen.	Sir John Gorst.
Mr. Jesse Collings.	Mr. Gourley.
Sir Charles Dalrymple.	Mr. Charles Hobhouse.
Dr. Farquharson.	Sir Joseph Leigh.
Sir James Fergusson.	Mr. Walter M'Laren.
Mr. Hayes Fisher.	Mr. Naoroji.
Mr. Gilliat.	Mr. Oldroyd.
Mr. Heneage.	Mr. Randell.
Sir Alfred Hickman.	Mr. Samuel Smith.
Sir Benjamin Hingley.	Mr. Philip Stanhope.
Sir William Houldsworth.	Mr. T. D. Sullivan.
Mr. Johnson-Ferguson.	Mr. Tennant.
Sir James Joicey.	Mr. Woods.
Mr. Macartney.	
Mr. Matthews.	
Sir Stafford Northcote.	
Mr. Rankin.	
Mr. Rathbone.	
Mr. Renshaw.	
Mr. Seton-Karr.	
Mr. T. H. Sidebottom.	
Mr. William Williams.	
Mr. Young.	

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 28th May, 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Sir Michael Hicks-Beach.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. Brown.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Channing.
Mr. Cohen.
Mr. Jesse Collings.
Mr. Colman.
Mr. Crean.
Sir Charles Dalrymple.
Sir Charles Dilke.
Sir Frederick Dixon-Hartland.
Dr. Farquharson.
Sir James Fergusson.
Mr. R. U. Penrose FitzGerald.
Sir John Gorst.
Mr. Gourley.
Mr. Heneage.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Sir William Houldsworth.
Mr. Jackson.
Mr. Johnson-Ferguson.
Sir James Joicey.
Sir Joseph Leigh.
Mr. Macartney.
Dr. M'Donnell.
Mr. Walter M'Laren.
Mr. Matthews.
Mr. Mowbray.
Mr. Mundella.
Mr. Naoroji.
Sir Stafford Northcote.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Renshaw.
Mr. Seton-Karr.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whiteley.
Mr. William Williams.
Mr. Woods.
Mr. Wyndham.
Mr. Young.

Clause 12.—Amendment proposed, in page 4, line 21, at the end of the Clause, to add the following words as a new Sub-section :—" Provided also that no claim for injury to health shall be held good unless the person claiming has intimated to the factory inspector and the occupier of the factory or workshop his intention to claim within twenty-eight days of the date of his leaving employment "—(Mr. *Renshaw*).—Question proposed, That those words be there added.—Amendment proposed to the proposed Amendment, in line 3, to leave out the words " twenty-eight days," and insert the words " three months "—(Mr. *Renshaw*).—Question, That the words proposed to be left out stand part of the Amendment,—put, and *negatived*.

Question, That the words " three months " be there inserted,—put, and *agreed to*.

Question put, That the proposed words, as amended, be there added.—The Committee divided:

Ayes, 6.

Mr. Albert Bright.
Mr. R. U. Penrose FitzGerald.
Mr. Macartney.
Mr. Renshaw.
Mr. T. H. Sidebottom.
Mr. Tomlinson.

Noes, 40.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Mr. Broadhurst.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Jesse Collings.
Sir Charles Dalrymple.
Sir Charles Dilke.
Dr. Farquharson.
Sir John Gorst.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Sir William Houldsworth.
Mr. Johnson-Ferguson.
Sir Joseph Leigh.
Mr. Matthews.
Dr. M'Donnell.
Mr. Walter M'Laren.
Mr. Mowbray.
Mr. Mundella.

Noes, 40—*continued.*

Mr. Naoroji.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Seton-Karr.
Mr. Sexton.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. R. G. Webster.
Mr. William Williams.
Mr. Woods.
Mr. Wyndham.

Question, That Clause 12, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 13.—Amendment proposed, in page 4, line 23, after the word "person," to insert the words "under sixteen years of age"—(Mr. *Matthews*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 18.

Mr. Addison.
Mr. Gerald Balfour.
Mr. Albert Bright.
Mr. Brown.
Sir Alfred Hickman.
Sir William Houldsworth.
Mr. Jackson.
Sir Joseph Leigh.
Mr. Macartney.
Mr. Matthews.
Mr. Mowbray.
Mr. Rankin.
Mr. Renshaw.
Mr. Seton-Karr.
Mr. T. H. Sidebottom.
Mr. Tomlinson
Mr. R. G. Webster.
Mr. Whiteley.

Noes, 36.

Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Sir John Barran.
Mr. Broadhurst.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Channing.
Mr. Cohen.
Mr. Jesse Collings.
Mr. Crean.
Sir Charles Dalrymple.
Sir Charles Dilke.
Dr. Farquharson.
Sir John Gorst.
Mr. Heneage.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Mr. Johnson-Ferguson.
Sir James Joicey.
Dr. M'Donnell.
Mr. Walter M'Laren.
Mr. Mundella.
Mr. Naoroji
Mr. Oldroyd.
Mr. Randell.
Mr. Sexton.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. William Williams.
Mr. Woods.
Mr. Wyndham.

Another Amendment proposed, in page 4, line 23, after the words "young person," to insert the words "or a woman"—(Sir *Charles Dilke*).—Question proposed, That the words "or a woman" be there inserted.

Motion made, Question, "That the Committee at its rising to-day do adjourn till Tuesday, 12 June,"—(Mr. *Walter M'Laren,*)—put, and *negatived.*

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 30th May 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Cohen.
Mr. Colman.
Sir Charles Dilke.
Dr. Farquharson.
Sir James Fergusson.
Mr. Hayes Fisher.
Mr. R. U. Penrose FitzGerald.
Sir John Gorst.
Mr. Gourley.
Mr. Archibald Grove.
Mr. Heneage.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Sir William Houldsworth.
Mr. Johnson-Ferguson.
Sir James Joicey.
Sir Joseph Leigh.
Mr. Macartney.
Mr. Walter M'Laren.
Mr. Matthews.
Mr. Mowbray.
Mr. Mundella.
Mr. Naoroji.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Renshaw.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whiteley.
Mr. William Williams.
Mr. Havelock Wilson.
Mr. Woods.
Mr. Wyndham.

Clause 13.—Amendment again proposed, in page 4, line 23, after the words "young person," to insert the words "or a woman"—(Sir *Charles Dilke*).—Question put, That the words "or a woman" be there inserted.—The Committee divided:

Ayes, 16.

Mr. William Allen.
Mr. Michael Austin.
Mr. Broadhurst.
Mr. John Burns.
Mr. Byles.
Sir Charles Dilke.
Sir John Gorst.
Mr. Gourley.
Mr. Charles Hobhouse.
Mr. Naoroji.
Mr. Randell.
Mr. Sexton.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. William Williams.
Mr. Woods.

Noes, 30.

Mr. Addison.
Mr. Asquith.
Mr. Gerald Balfour.
Sir John Barran.
Mr. Albert Bright.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Colman.
Dr. Farquharson.
Sir James Fergusson.
Mr. Hayes Fisher.
Mr. R. U. Penrose FitzGerald.
Mr. Heneage.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Sir William Houldsworth.
Sir Joseph Leigh.
Mr. Macartney.
Mr. Matthews.
Mr. Walter M'Laren.
Mr. Mowbray.
Mr. Oldroyd.
Mr. Rankin.
Mr. Renshaw.
Mr. Samuel Smith.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whiteley.
Mr. Wyndham.

Another

Another Amendment proposed, in page 4, line 25, to leave out Sub-section (2)—(Mr. *Matthews*)). - Question put, That the words "a woman," stand part of the Clause.—The Committee divided :

Ayes, 37.	Noes, 7.
Mr. William Allen.	Mr. Addison.
Mr. Asquith.	Mr. Albert Bright.
Mr. Michael Austin.	Sir James Fergusson.
Mr. Gerald Balfour.	Sir Alfred Hickman.
Sir John Barran.	Mr. Macartney.
Mr. Broadhurst.	Mr. Matthews.
Mr. John Burns.	Mr. Rankin.
Mr. Burt.	
Mr. Sydney Buxton.	
Mr. Byles.	
Mr. Cohen.	
Sir Charles Dilke.	
Dr. Farquharson.	
Mr. Hayes Fisher.	
Sir John Gorst.	
Mr. Gourley.	
Mr. Heneage.	
Sir Benjamin Hingley.	
Mr. Charles Hobhouse.	
Sir William Houldsworth.	
Mr. Johnson-Ferguson.	
Sir James Joicey.	
Sir Joseph Leigh.	
Mr. Mowbray.	
Mr. Naoroji.	
Mr. Oldroyd.	
Mr. Randell.	
Mr. Renshaw.	
Mr. Sexton.	
Mr. Samuel Smith.	
Mr. Philip Stanhope.	
Mr. Tennant.	
Mr. R. G. Webster.	
Mr. Whiteley.	
Mr. Havelock Wilson.	
Mr. Woods.	
Mr. Wyndham.	

Motion made, and Question, That the Committee at its rising do adjourn till Tuesday, 11th June, at Twelve o'clock—(Mr. Secretary *Asquith*),—put, and *agreed to.*

Another Amendment proposed, in page 4, line 27, after the words "twelve months," to insert the words "unless her hours of employment the following day are correspondingly reduced, in which case a woman may be employed two hours' overtime fifty days in any twelve months"—(Mr. *Heneage*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed, in page 4, line 33, after the words "ninety-six days" to insert the words : "Where a woman is on any day employed overtime, in pursuance of Section fifty-three of the principal Act, the following provisions shall have effect :—

(*a*) The total length of time during which she is so employed shall be deducted from the period of employment allowed for her under the Factory Act on one of the days during the week following the day on which she is so employed overtime;

(*b*) The day on which such deduction is to be made, and the period of deduction, shall be fixed before the commencement of the overtime employment, and the entry and report required under Section sixty-six of the principal Act, and also the notice required under Section fourteen of the Act of 1891, shall each contain the prescribed particulars respecting the day and period of deduction, showing the period of deduction to be not less than the period of overtime, or otherwise such entry, notice, or report shall not be valid ;

(*c*) A woman employed during the period of deduction specified in such entry as aforesaid shall be deemed to be employed contrary to the provisions of the principal Act ;"

—(Sir *Charles Dilke*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed, in page 4, line 33, after the words "ninety-six days," to insert the words "Section seventy-seven of the principal Act, which requires registers to be kept of children and young persons, shall apply to all workshops to which Section fifty-three of the principal Act applies"—(Sir *Charles Dilke*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 4, line 34, to leave out Sub-section (3)—(Mr. *Matthews*).—Question proposed, That the words "(3) Section fifty-eight of the principal Act shall apply only to male young persons of" stand part of the Clause.

[Adjourned till Tuesday, 11th June, at Twelve o'clock.

Tuesday, 11th June 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Sir Michael Hicks Beach.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. John Burns.
Mr. Burt.
Mr. Byles.
Mr. Caine.
Mr. Chamberlain.
Mr. Cohen.
Mr. Colman.
Sir Charles Dalrymple.
Sir Charles Dilke.
Sir Frederick Dixon-Hartland.
Dr. Farquharson.
Sir James Fergusson.
Mr. Hayes Fisher.
Mr. R. U. Penrose FitzGerald.
Sir John Gorst.
Mr. Gourley.
Mr. Archibald Grove.
Mr. Heneage.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Sir William Houldsworth.
Mr. Jackson.
Mr. Johnson-Ferguson.
Sir James Joicey.
Sir Joseph Leigh.
Mr. Macartney.
Dr. M'Donnell.
Mr. Walter M'Laren.
Mr. Matthews.
Mr. Mundella.
Mr. Naoroji.
Sir Stafford Northcote.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Renshaw.
Mr. George Russell.
Mr. Seton-Karr.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whiteley.
Mr. William Williams.
Mr. Havelock Wilson.
Mr. Wyndham.
Mr. Young.

Clause 13.—Amendment again proposed, in page 4, to leave out Sub-section (3)—(Mr. *Matthews*).—Question proposed, That the words "(3) Section fifty-eight of the principal Act shall" stand part of the Clause.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 4, line 35, to leave out the word "sixteen," and insert the word "fourteen"—(Mr. *Matthews*).—Question put, That the word "sixteen" stand part of the Clause.—The Committee divided:

Ayes, 14.	Noes, 40.
Mr. Michael Austin.	Mr. Addison.
Mr. Broadhurst.	Mr. Asquith.
Mr. John Burns.	Mr. Gerald Balfour.
Mr. Byles.	Sir John Barran.
Mr. Caine.	Sir Michael Hicks Beach.
Sir Charles Dilke.	Mr. Albert Bright.
Mr. Archibald Grove.	Mr. Burt.
Mr. Charles Hobhouse.	Mr. Joseph Chamberlain.
Dr. M'Donnell.	Mr. Cohen.
Mr. Naoroji.	Mr. Colman.
Mr. Randell.	Sir Charles Dalrymple.
Mr. Philip Stanhope.	Sir Frederick Dixon-Hartland.
Mr. Havelock Wilson.	Dr. Farquharson.
Mr. Wyndham.	Sir James Fergusson.
	Mr. Hayes Fisher.
	Mr. Gourley.

Noes—*continued.*

Mr. Heneage.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Sir William Houldsworth.
Mr. Jackson.
Mr. Johnson-Ferguson.
Sir James Joicey.
Sir Joseph Leigh.
Mr. Macartney.
Mr. Matthews.
Mr. Walter M'Laren.
Mr. Mundella.
Sir Stafford Northcote.
Mr. Oldroyd.
Mr. Rankin.
Mr. Renshaw.
Mr. George Russell.
Mr. Seton-Karr.
Mr. Samuel Smith.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whiteley.
Mr. William Williams.

Question, That the word "fourteen" be there inserted,—put, and *agreed to*,

Another Amendment proposed, in page 4, line 35, after the word "upwards," to insert the following words:—"And the powers of the Secretary of State under Section sixty-three of the principal Act shall extend to making orders as to the total number of hours of employment in each week, the periods of employment, and the intervals between such periods which are to be conditions of the employment of young persons at night, and to rescinding such orders"—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 4, at the end of the last amendment, after the words "such orders," to insert the words:—"(4) Section fifty-nine of the principal Act shall be repealed,"—Sir *Charles Dilke*).—Question proposed, That those words he there inserted.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 4, at the end of the last amendment, after the words "such orders," to insert the words:—"On and after the first day of January One thousand eight hundred and ninety-seven, the said section shall apply only to male young persons of seventeen years and upwards, and the operations of the said section shall cease on the last day of December One thousand eight hundred and ninety-seven."—(Mr. *John Burns*).—Question, That those words be there inserted,—put, and *negatived*.

Another Amendment proposed, in page 5, to leave out Sub-section (5)—(Mr. *Seton-Karr*).—Question put, That the words "Section sixty of the principal Act shall" stand part of the Clause.—The Committee divided:

Ayes, 32.

Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. John Burns.
Mr. Byles.
Mr. Cohen.
Mr. Colman.
Sir Charles Dilke.
Mr. Archibald Grove.
Mr. Heneage.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Sir William Houldsworth.
Mr. Johnson-Ferguson.
Sir James Joicey.
Sir Joseph Leigh.
Mr. Walter M'Laren.
Mr. Mundella.

Noes, 11.

Mr. Addison.
Sir Michael Hicks Beach.
Mr. Joseph Chamberlain.
Sir James Fergusson.
Mr. Hayes Fisher.
Mr. Jackson.
Mr. Macartney.
Mr. Matthews.
Mr. Seton-Karr.
Mr. Tomlinson.
Mr. R. G. Webster.

Ayes—*continued.*

Mr. Naoroji.
Mr. Oldroyd.
Mr. Renshaw.
Mr. George Russell.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. Tennant.
Mr. Whiteley.
Mr. Havelock Wilson.
Mr. Wyndham.
Mr. Young.

Another Amendment proposed, in page 5, line 2, to leave out the word "sixteen," and insert the word "fourteen"—(Mr. Secretary *Asquith*).—Question, That the word "sixteen" stand part of the Clause,—put, and *negatived.*

Question, That the word "fourteen" be there inserted,—put, and *agreed to.*

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 13*th June* 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. John Burns.
Mr. Burt.
Mr. Byles.
Mr. Channing.
Mr. Cohen.
Mr. Colman.
Mr. Crean.
Sir Charles Dilke.
Dr. Farquharson.
Sir James Fergusson.
Sir John Gorst.
Mr. Archibald Grove.
Sir Reginald Hanson.
Mr. Heneage.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Sir William Houldsworth.
Mr. Jackson.
Sir James Joicey.
Mr. Macartney.
Dr. M'Donnell.
Mr. Walter M'Laren.
Mr. Matthews.
Mr. E. J. C. Morton.
Mr. Mowbray.
Mr. Mundella.
Mr. Naoroji.
Sir Stafford Northcote.
Mr. Oldroyd.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. Seton-Karr.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. William Williams.
Mr. Wyndham.
Mr. Young.

Clause 13.—Amendment proposed, in page 5, at the end of Sub-section (5), to insert the words "but this sub-section shall not come into operation until 1st January 1898"—(Mr. *Seton-Karr*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 5, to leave out Sub-section (6)—(Mr. *Matthews*).—Question proposed, That the words proposed to be left out stand part of the Clause.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 5, line 12, at the end of the Clause, after the word "holiday," to add the words "but work in accordance with Section fifty of the principal Act shall not be deemed work during overtime"—(Mr. Secretary *Asquith*).—Question, That those words be there added,—put, and *agreed to.*

Another

Another Amendment proposed, in page 5, at the end of the Clause, as amended, to add as a new sub-section the words :—" In any employment, subject to this section, no man shall be employed for longer hours than are permitted by this section to women " –(Mr. *Walter M'Laren*).—Question put, That those words be there added.—The Committee divided :

Ayes, 9.	Noes, 35.
Mr. William Allen.	Mr. Addison.
Mr. Broadhurst.	Mr. Asquith.
Mr. John Burns.	Mr. Michael Austin.
Mr. Byles.	Mr. Gerald Balfour.
Sir Charles Dilke.	Sir John Barran.
Mr. Archibald Grove.	Mr. Albert Bright.
Mr. Walter M'Laren.	Mr. Burt.
Mr. Naoroji.	Mr. Channing.
Mr. T. D. Sullivan.	Mr. Cohen.
	Mr. Colman.
	Sir James Fergusson.
	Sir John Gorst.
	Sir Reginald Hanson.
	Mr. Heneage.
	Sir Alfred Hickman.
	Sir Benjamin Hingley.
	Mr. Charles Hobhouse.
	Sir William Houldsworth.
	Mr. Jackson.
	Sir James Joicey.
	Mr. Macartney.
	Mr. Matthews.
	Dr. M'Donnell.
	Sir Stafford Northcote.
	Mr. Oldroyd.
	Mr. Rankin.
	Mr. Rathbone.
	Mr. Renshaw.
	Mr. Seton-Karr.
	Mr. T. H. Sidebottom.
	Mr. Samuel Smith.
	Mr. Philip Stanhope.
	Mr. Tennant.
	Mr. Tomlinson.
	Mr. Young.

Question, That Clause 13, as amended, stand part of the Bill,—put, and *agreed to*.

Clause 14.—Amendment proposed, in page 5, line 14, after the word " employed," to leave out the words " in the business of a factory or workshop "—(Sir *Charles Dilke*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to*.

Another Amendment proposed, in page 5, line 17, to leave out the words " or woman "—(Mr. *Matthews*).—Question put, That the words " or woman " stand part of the Clause.—The Committee divided :

Ayes, 27.	Noes, 19.
Mr. William Allen.	Mr. Addison.
Mr. Asquith.	Mr. Gerald Balfour.
Mr. Michael Austin.	Mr. Albert Bright.
Sir John Barran.	Mr. Cohen.
Mr. Broadhurst.	Sir James Fergusson.
Mr. John Burns.	Mr. Heneage.
Mr. Burt.	Sir Alfred Hickman.
Mr. Byles.	Sir William Houldsworth.
Mr. Channing.	Mr. Jackson.
Mr. Colman.	Mr. Macartney.
Mr. Crean.	Mr. Matthews.
Sir Charles Dilke.	Mr. Walter M'Laren.
Dr. Farquharson.	Mr. Mowbray.
Sir John Gorst.	Mr. Rankin.
Mr. Archibald Grove.	Mr. Rathbone.
Sir Benjamin Hingley.	Mr. Renshaw.
Mr. Charles Hobhouse.	Mr. T. H. Sidebottom.
Sir James Joicey.	Mr. R. G. Webster.
Dr. M'Donnell.	Mr. Young.
Mr. E. J. C. Morton.	

Ayes—*continued.*

Mr. Naoroji.
Mr. Oldroyd.
Mr. Samuel Smith.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. William Williams.
Mr. Wyndham.

Another Amendment proposed, in page 5, line 27, after the word "employed," to insert the words "by the same employer"—(Mr. Secretary *Asquith*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 18.	Noes, 11.
Mr. Addison.	Mr. William Allen.
Mr. Asquith.	Mr. Broadhurst.
Mr. Michael Austin.	Mr. John Burns.
Mr. Gerald Balfour.	Mr. Byles.
Sir John Barran.	Mr. Channing.
Mr. Albert Bright.	Mr. Crean.
Mr. Cohen.	Sir Charles Dilke.
Dr. Farquharson.	Mr. Archibald Grove.
Sir John Gorst.	Mr. Naoroji.
Mr. Matthews.	Mr. Sexton.
Mr. Walter M'Laren.	Mr. T. D. Sullivan.
Mr. Mundella.	
Mr. Oldroyd.	
Mr. Rathbone.	
Mr. T. H. Sidebottom.	
Mr. Samuel Smith.	
Mr. Tennant.	
Mr. Wyndham.	

Another Amendment proposed, in page 5, line 31, after the word "workshop," to insert the words "unless the factory or workshop and the shop belonging to the relative with whom such young person or woman resides"—(Mr. *Walter M'Laren*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 5, at the end of the Clause, to add the words "Provided that this section shall not apply except in the case of persons employed in such classes of work, and in the case of persons giving out employment and employed within such areas, as may from time to time be specified by the Secretary of State by order made in accordance with Section sixty-five of the principal Act"—(Mr. *Albert Bright*).—Question, That those words be there added,—put, and *negatived.*

Question, That Clause 14, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 15, *agreed to.*

Clause 16.—Amendment proposed, in page 6, to leave out Sub-section (1), and insert the words "For Section thirty-one of the principal Act the following section shall be substituted, namely:—

(1) Where there occurs in a factory or workshop any accident which either—

(a) Causes loss of life to a person employed in the factory or in the workshop; or

(b) Causes to any person employed in the factory or workshop such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work,

written notice shall forthwith be sent to the inspector for the district.

(2) If the accident causes loss of life, or is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion or escape of gas, steam, or metal, then, unless notice thereof is required by Section sixty-three of 'The Explosives Act, 1875,' to be sent to a Government inspector, notice thereof shall forthwith be sent to the certifying surgeon of the district.

(3) The notice shall state the residence of the person killed or injured, and the place to which he has been removed.

(4) If any notice required by this section to be sent with respect to an accident in a factory or workshop is not so sent, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(5) If

(5) If any accident to which this section applies occurs to a person employed in an iron mill or blast furnace, or other factory or workshop, where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

(6) This section shall apply to workshops conducted on the system of not employing any child, young person, or woman therein"

—(Mr. Secretary *Asquith*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question proposed, That the proposed words be there inserted.

Amendment proposed to the proposed Amendment, in line 8, after the word "unemployed," to leave out the words "for five hours"—(Mr. *Renshaw*).—Question put, That the words "for five hours" stand part of the proposed Amendment.—The Committee divided:—

Ayes, 33.	Noes, 3.
Mr. Addison.	Sir William Houldsworth.
Mr. William Allen.	Mr. Renshaw.
Mr. Asquith.	Mr. T. H. Sidebottom.
Mr. Michael Austin.	
Mr. Gerald Balfour.	
Sir John Barran.	
Mr. Broadhurst.	
Mr. John Burns.	
Mr. Byles.	
Mr. Channing.	
Mr. Cohen.	
Mr. Crean.	
Sir Charles Dilke.	
Sir James Fergusson.	
Sir John Gorst.	
Mr. Archibald Grove.	
Sir Alfred Hickman.	
Sir Benjamin Hingley.	
Mr. Charles Hobhouse.	
Sir James Joicey.	
Mr. Macartney.	
Mr. Matthews.	
Mr. Walter M'Laren.	
Mr. Mundella.	
Mr. Naoroji.	
Mr. Oldroyd.	
Mr. Rankin.	
Mr. Rathbone.	
Mr. Sexton.	
Mr. T. D. Sullivan.	
Mr. Tennant.	
Mr. Wyndham.	
Mr. Young.	

Question, That the proposed words be there inserted,—put, and *agreed to.*

Amendment proposed, in page 6, at the end of the last Amendment, to insert the words "Provided that such accident has come to the knowledge of the proprietor, manager, or foreman of such factory or workshop"—(Sir *Alfred Hickman*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed, in page 6, line 26, at the end of the Clause, to add the words "Provided always that this section shall not apply to Scotland"—(Mr. *Renshaw*).—Question proposed, That those words be there added.

Amendment, by leave, *withdrawn.*

Question, That Clause 16, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 17.—Amendment proposed, in page 6, line 30, to leave out the word "week," and insert the word "day" (Sir *Charles Dilke*).—Question, That the word "week" stand part of the Clause,—put, and *agreed to.*

Question, That Clause 17 stand part of the Bill,—put, and *agreed to.*

Clause 18.—Amendment proposed, in page 7, line 2, after the word "acts," to add the words "(2) This section shall apply to workshops conducted on the system of not employing any child, young person, or woman therein"—(Mr. Secretary *Asquith*).—Question, That those words be there added,—put, and *agreed to.*

Question, That the Clause, as amended, stand part of the Bill,—put, and *agreed to.*

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 18*th June* 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Sir Michael Hicks Beach.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. Brown.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Chamberlain.
Mr. Cohen.
Mr. Jesse Collings.
Sir Charles Dalrymple.
Sir Charles Dilke.
Dr. Farquharson.
Sir James Fergusson.
Mr. Hayes Fisher.
Sir John Gorst.
Mr. Gourley.
Mr. Archibald Grove.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Mr. Charles Hobhouse.
Sir William Houldsworth.
Sir Henry James.
Mr. Johnson-Ferguson.
Sir James Joicey.
Sir Joseph Leigh.
Dr. M'Donnell.
Mr. Walter M'Laren.
Mr. Matthews.
Mr. Mowbray.
Mr. Mundella.
Mr. Naoroji.
Sir Stafford Northcote.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Seton-Karr.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whiteley.
Mr. William Williams.
Mr. Wyndham.
Mr. Young.

Clause 19.—Amendment proposed, in page 7, to leave out Sub-section (1), and insert the words—

"(1) In any laundry carried on by way of trade, or for purpose of gain, the following provisions shall apply:—

(i.) The period of employment shall not exceed for children thirty-three hours, for young persons sixty-six hours, in any one week;

(ii.) A child or young person shall not be employed continuously for more than five hours without an interval of at least three-quarters of an hour for a meal;

(iii.) Except in reformatories, refuges, penitentiaries, industrial schools, industrial homes, and conventual institutions, children, young persons, and women employed in laundries shall have allowed to them the same holidays as are allowed to children, young persons, and women employed in a factory or workshop under the Factories and Workshops Acts, 1878 to 1895;

(iv.) Section seventy-five of the principal Act with respect to notice of occupation of a factory, and Section sixty-eight of the principal Act with respect to the powers of inspectors, as amended by subsequent enactments, shall have effect as if every laundry were included in the words 'factory or workshop,' and as if every occupier of a laundry were the occupier of a factory or of a workshop; but in the case of reformatories, refuges, penitentiaries, industrial schools, industrial homes, and conventual institutions, inspection shall take place only in case complaint is made to the inspector of the district that the occupier of the laundry has failed to comply with the provisions of this section, and under special instructions from the chief inspector"

—(Mr. *Matthews*).—Question put, That the words "The Factory Acts shall apply to every laundry" stand part of the Clause.—The Committee divided:

Ayes,

Ayes, 25.	Noes, 28.
Mr. William Allen.	Mr. Addison.
Mr. Asquith.	Mr. Gerald Balfour.
Mr. Michael Austin.	Sir Michael Hicks Beach.
Sir John Barran.	Mr. Albert Bright.
Mr. Broadhurst.	Mr. Joseph Chamberlain.
Mr. John Burns.	Mr. Cohen.
Mr. Burt.	Mr. Jesse Collings.
Mr. Sydney Buxton.	Sir Charles Dalrymple.
Mr. Byles.	Mr. Hayes Fisher.
Sir Charles Dilke.	Sir Alfred Hickman.
Sir John Gorst.	Sir William Houldsworth.
Mr. Archibald Grove.	Sir Henry James.
Sir Benjamin Hingley.	Mr. Matthews.
Mr. Charles Hobhouse.	Dr. M'Donnell.
Mr. Johnson-Ferguson.	Mr. Walter M'Laren.
Sir James Joicey.	Mr. Mowbray.
Sir Joseph Leigh.	Sir Stafford Northcote.
Mr. Mundella.	Mr. Rankin.
Mr. Naoroji.	Mr. Rathbone.
Mr. Oldroyd.	Mr. Renshaw.
Mr. Randell.	Mr. Sexton.
Mr. George Russell.	Mr. T. H. Sidebottom.
Mr. Philip Stanhope.	Mr. Samuel Smith.
Mr. Tennant.	Mr. T. D. Sullivan.
Mr. Wyndham.	Mr. Tomlinson.
	Mr. R. G. Webster.
	Mr. Whiteley.
	Mr. Young.

Question, That the remaining words of Sub-section (1) stand part of the Clause,—put, and *negatived.*

Question proposed, That the proposed words be there inserted.

Amendment proposed to the proposed Amendment, in line 1, after the word "laundry," to insert the words "except those within the areas of Rural District Councils in which more than two persons are employed for hire and"—(Mr. *Walter M'Laren*).—Question proposed, That those words be there inserted.

Amendment to the proposed Amendment, by leave, *withdrawn.*

Another Amendment proposed to the proposed Amendment, in line 1, after the word "laundry," to insert the words "in which more than two persons are employed for hire and" (Mr. *Walter M'Laren*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed to the proposed Amendment, in line 3, to leave out from the word "shall" to the word "week" in line 4, and insert the words "exclusive of meal hours and absence from work, shall not exceed, for children, ten hours; for young persons, twelve hours; for women, fourteen hours, in any consecutive twenty-four hours, nor a total for children of thirty hours, for young persons and women of sixty hours, in any one week in addition to such overtime as may be allowed in the case of women"—(Mr. *Gerald Balfour*).—Question, That the words proposed to be left out stand part of the proposed Amendment, put, and *negatived.*

Question proposed, That those words be there inserted.

Amendment proposed to the proposed Amendment, to leave out the word "sixty," and insert the words "forty-eight"—(Mr. *Archibald Grove.*)—Question put, That the word "sixty" stand part of the proposed Amendment.—The Committee divided:

Ayes, 36.	Noes, 9.
Mr. Addison.	Mr. William Allen.
Mr. Asquith.	Mr. Broadhurst.
Mr. Michael Austin.	Mr. John Burns.
Mr. Gerald Balfour.	Mr. Byles.
Sir Michael Hicks Beach.	Sir Charles Dilke.
Mr. Albert Bright.	Mr. Archibald Grove.
Mr. Burt.	Mr. Charles Hobhouse.
Mr. Sydney Buxton.	Mr. Naoroji.
Mr. Joseph Chamberlain.	Mr. Randell.
Sir Charles Dalrymple.	
Mr. Hayes Fisher.	
Sir John Gorst.	

Ayes—*continued.*

Sir Alfred Hickman.
Sir Benjamin Hingley.
Sir William Houldsworth.
Mr. Johnson-Ferguson.
Sir James Joicey.
Sir Joseph Leigh.
Mr. Matthews.
Dr. M'Donnell.
Mr. Walter M'Laren.
Mr. Mowbray.
Sir Stafford Northcote.
Mr. Oldroyd.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Sexton.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. Whiteley.
Mr. Young.

Another Amendment proposed to the proposed Amendment, to leave out the words "in addition to such overtime as may be allowed in the case of women"—(Sir *Charles Dilke*).—Question, That the words proposed to be left out stand part of the proposed Amendment,—put, and *agreed* to.

Question, That the proposed words be there inserted,—put, and *agreed to.*

Another Amendment proposed to the proposed Amendment, in line 5, to leave out from the words "A child" to the word "meal," in line 7, and insert the words—"A child shall not be employed continuously for more than three, and a young person for more than four, hours without an interval of at least an hour"—(Mr. *Archibald Grove*).—Question, That the words "a child or young person" stand part of the proposed Amendment,—put, and *agreed to.*

Another Amendment proposed to the proposed Amendment, in line 5, after the words "young person," to insert the words "or woman"—(Mr. Secretary *Asquith*).—Question, That the words "or woman" be there inserted,—put, and *agreed to.*

Another Amendment proposed to the proposed Amendment, as amended, in line 6, to leave out the words "three-quarters of," and insert the word "half"—(Mr. *Chamberlain*).—Question, That the words "three-quarters of" stand part of the proposed Amendment,—put, and *negatived.*

Question, That the word "half" be there inserted,—put, and *agreed to.*

Another Amendment proposed to the proposed Amendment, as amended, in line 8, to leave out from the word "Except," to the word "institutions," in line 9—(Mr. *Matthews*).—Question, That the words proposed to be left out stand part of the proposed Amendment,—put, and *negatived.*

Another Amendment proposed to the proposed Amendment, as amended, in line 14, to leave out from the word "section" to the word "enactments," in line 17, and insert the words "so far as regards sanitary provisions, safety, accidents, notice of occupation of a factory or workshop, powers of inspectors, fines and legal proceedings, the Factory Acts."—(Mr. *Gerald Balfour.*)—Question, That the words proposed to be left out stand part of the proposed Amendment,—put, and *negatived.*

Question proposed, That the proposed words be there inserted in the proposed Amendment.—Amendment proposed to the proposed Amendment, after the word "accidents" to insert the words "the affixing of notices and abstracts and the matters to be specified in such notices so far as they apply to laundries"—(Mr. *Sydney Buxton*).—Question, That those words be there inserted,—put, and *agreed to.*

Adjourned till Thursday next, at Twelve o'clock.

Thursday, 20th June 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Chamberlain.
Mr. Channing.
Mr. Cohen.
Mr. Jesse Collings.
Sir Charles Dalrymple.
Sir Charles Dilke.
Dr. Farquharson.
Sir James Fergusson.
Mr. Hayes Fisher.
Mr. R. U. Penrose FitzGerald.
Sir John Gorst.
Mr. Archibald Grove.
Sir Alfred Hickman.
Sir William Houldsworth.
Mr. Jackson.
Sir Henry James.
Mr. Johnson-Ferguson.
Mr. Kenrick.
Sir Joseph Leigh.
Dr. M'Donnell.
Mr. Walter M'Laren.
Mr. Matthews.
Mr. Mowbray.
Mr. Mundella.
Mr. Naoroji.
Sir Stafford Northcote.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Sexton.
Mr. Thomas Shaw.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Sir Richard Webster.
Mr. Whiteley.
Mr. William Williams.
Mr. Woods.
Mr. Wyndham.
Mr. Young.

Clause 19.—Another Amendment proposed to the proposed Amendment, as amended, after the word "proceedings," to insert the words "for any failure to comply with the provisions of this section"—(Mr. *Matthews*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed at the end of the last Amendment, to insert the words "and education of children"—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to.*

Question, That the proposed words, as amended, be there inserted in the proposed Amendment.

Another Amendment proposed to the proposed Amendment, as amended, in line 17, to leave out from the word "laundry," to the word "workshop," in line 18, and insert the words "in which steam, water, or other mechanical power is used in aid of the laundry process were a factory, and every other laundry were a workshop"—(Mr. *Gerald Balfour*).—Question, That the words proposed to be left out stand part of the proposed Amendment,—put, and *negatived.*

Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed to the proposed Amendment, as amended, in line 18, to leave out from the word "but," to the end—(Mr. *Matthews*).—Question, That the words proposed to be left out stand part of the proposed Amendment,—put, and *negatived.*

Another Amendment proposed to the proposed Amendment, as amended, at the end, to add the words—"(v.) The notice to be affixed in each laundry shall specify the period of employment and the times for meals, but the period and times so specified may be varied before the beginning of employment on any day"—(Mr. Secretary *Asquith*).—Question proposed, That those words be added to the proposed Amendment, as amended.

Amendment proposed to the said Amendment to the proposed Amendment, as amended, in line 1, after the word "laundry," to insert the words "in which steam, water, or other mechanical power is used in aid of the laundry process"—(Mr. *Renshaw*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 15.	Noes, 34.
Mr. Addison.	Mr. Asquith.
Mr. Gerald Balfour.	Mr. Michael Austin.
Mr. Jesse Collings.	Sir John Barran.
Sir James Fergusson.	Mr. John Burns.
Mr. Hayes Fisher.	Mr. Burt.
Mr. R. U. Penrose FitzGerald.	Mr. Sydney Buxton.
Sir Alfred Hickman.	Mr. Byles.
Sir William Houldsworth.	Mr. Joseph Chamberlain.
Mr. Matthews.	Mr. Channing.
Mr. Mowbray.	Mr. Cohen.
Mr. Renshaw.	Sir Charles Dalrymple.
Mr. T. H. Sidebottom.	Sir Charles Dilke.
Mr. T. D. Sullivan.	Dr. Farquharson.
Mr. Tomlinson.	Sir John Gorst.
Mr. R. G. Webster.	Mr. Archibald Grove.
	Mr. Johnson-Ferguson.
	Mr. Kenrick.
	Dr. M'Donnell.
	Mr. Walter M'Laren.
	Mr. Mundella.
	Mr. Naoroji.
	Mr. Oldroyd.
	Mr. Rankin.
	Mr. Rathbone.
	Mr. George Russell.
	Mr. Sexton.
	Mr. Samuel Smith.
	Mr. Philip Stanhope.
	Mr. Tennant.
	Mr. Whiteley.
	Mr. William Williams.
	Mr. Woods.
	Mr. Wyndham.
	Mr. Young.

Question, That the proposed words be added to the proposed Amendment, as amended,—put, and *agreed to.*

Another Amendment proposed to the proposed Amendment, as amended, at the end to add, as a new sub-section, the words: "(vi.) Sections seventeen and eighteen of the Act of 1891 shall apply to laundries in like manner as to factories or workshops"—(Mr. *Wyndham*).—Question proposed, That those words be added to the proposed Amendment, as amended.

Amendment proposed to the said Amendment to the proposed Amendment, as amended, to leave out the words "seventeen and"—(Mr. *M'Laren*).—Question put, That the words "seventeen and" stand part of the said Amendment.—The Committee divided:

Ayes, 27.	Noes, 22.
Mr. Asquith.	Mr. Addison.
Mr. Michael Austin.	Mr. Gerald Balfour.
Sir John Barran.	Mr. Joseph Chamberlain.
Mr. John Burns.	Mr. Cohen.
Mr. Burt.	Mr. Jesse Collings.
Mr. Sydney Buxton.	Sir Charles Dalrymple.
Mr. Byles.	Sir James Fergusson.
Mr. Channing.	Mr. Hayes Fisher.
Sir Charles Dilke.	Mr. R. U. Penrose FitzGerald.
Dr. Farquharson.	Sir Alfred Hickman.
Sir John Gorst.	Sir William Houldsworth.
Mr. Archibald Grove.	Sir Henry James.
Dr. M'Donnell.	Mr. Johnson-Ferguson.
Mr. Mundella.	Mr. Kenrick.
Mr. Naoroji.	Mr. Matthews.
Mr. Oldroyd.	Mr. Walter M'Laren.
Mr. Rankin.	Mr. Mowbray.
Mr. Renshaw.	Mr. Rathbone.
Mr. George Russell.	Mr. T. H. Sidebottom.
Mr. Sexton.	Mr. Tomlinson.

Ayes—*continued.*	Noes—*continued.*
Mr. Samuel Smith.	Mr. Whiteley.
Mr. Philip Stanhope.	Mr. Young.
Mr. T. D. Sullivan.	
Mr. Tennant.	
Mr. William Williams.	
Mr. Woods.	
Mr. Wyndham.	

Question, That the words :—"(vi.) Sections seventeen and eighteen of the Act of 1891 shall apply to laundries in like manner as to factories or workshops" be added to the proposed Amendment, as amended,—put, and *agreed to.*

Question proposed, That the proposed words, as amended, be inserted in the Clause.

Amendment proposed to the proposed Amendment, as amended, at the end to add the words :—"(vii.) Section twenty-seven of the Act of 1891 shall apply to laundries in like manner as to factories or workshops"—(Sir *Charles Dilke*).—Question proposed, That those words be there added.

Amendment, by leave, *withdrawn.*

Question, That the proposed words, as amended, be inserted in the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 7, line 11, to leave out all the words from the word "laundry," to the word "power," in line 12—(Sir *Charles Dilke*).—Question, That the words proposed to be left out stand part out of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 7, line 20, to leave out the word "flooring," and insert the words "floor of every room and of every drying yard"—(Sir *Charles Dilke*).—Question proposed, That the word "flooring" stand part of the Clause.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 7, line 20, to leave out the word "flooring" and insert the word "floors"—(Mr. Secretary *Asquith*).—Question, That the word "flooring" stand part of the Clause,—put, and *negatived.*

Question, That the word "floors" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 7, line 21, after the word "freely" to insert the words "and gratings shall be placed over the floors of the washing rooms"—(Mr. *Archibald Grove*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed, in page 7, line 24, after Sub-section (2), to insert as a new sub-section the words—"(3) The Cotton Cloth Factories Act, 1889, shall apply to every laundry, with such modifications of the schedule with respect to the maximum limits of humidity as the Secretary of State by order made in accordance with Section sixty-five of the principal Act may direct"—(Sir *Charles Dilke*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 7, line 26, after the word "are," to insert the words "inmates of a religious institution or"—(Mr. *Sexton*).—Question proposed, That those words be there inserted.

[Adjourned to Tuesday next, at Twelve o'clock.

Tuesday, 25*th June* 1895.

MEMBERS PRESENT :

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Mr. Albert Bright.
Mr. Broadhurst.
Mr. Brown.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Caine.
Mr. Channing.
Mr. Cohen.
Mr. Jesse Collings.
Sir Charles Dalrymple.
Sir Charles Dilke.
Dr. Farquharson.
Sir James Fergusson.
Mr. Hayes Fisher.
Sir John Gorst.
Mr. Gourley.
Mr. Archibald Grove.
Mr. Heneage.
Sir Alfred Hickman.
Sir Benjamin Hingley.
Sir William Houldsworth.
Mr. Jackson.
Mr. Johnson-Ferguson.
Sir James Joicey.
Mr. Kenrick.
Sir Joseph Leigh.
Mr. Walter M'Laren.
Mr. Matthews.
Mr. E. J. C. Morton.
Mr. Mowbray.
Mr. Mundella.
Mr. Naoroji.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Sexton.
Mr. Thomas Shaw.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whiteley.
Mr. Havelock Wilson.
Mr. John Wilson (*Govan*).
Mr. Woods.
Mr. Wyndham.

Clause 19.—Amendment again proposed, in page 7, line 26, after the word "are," to insert the words "inmates of a religious institution or"—(Mr. *Sexton*).—Question proposed, That those words be there inserted.

Amendment, by leave *withdrawn*.

Another Amendment proposed, in page 7, line 26, after the word "are," to insert the words "(a) Inmates of any prison, reformatory, or industrial school, or other institution for the time being subject to inspection under any Act other than the Factory Acts; or"—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, at the end of the last Amendment, to insert the words "(b) Inmates of an institution conducted in good faith for religious or charitable purposes; or"—(Mr. Secretary *Asquith*).—Question put, That those words be there inserted.—The Committee divided :

Ayes, 38.

Mr. Addison.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Mr. Albert Bright.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Channing.
Mr. Jesse Collings.
Dr. Farquharson.
Sir James Fergusson.
Mr. Hayes Fisher.
Sir John Gorst.
Mr. Archibald Grove.
Mr. Heneage.
Sir Benjamin Hingley.
Sir William Houldsworth.
Mr. Johnson-Ferguson.
Sir James Joicey.

Noes, 10.

Mr. William Allen.
Mr. Broadhurst.
Mr. John Burns.
Mr. Byles.
Sir Charles Dilke.
Mr. Naoroji.
Mr. Randell.
Mr. Whiteley.
Mr. Havelock Wilson.
Mr. Woods.

Mr.

Ayes—*continued.*

Mr. Kenrick.
Sir Joseph Leigh.
Mr. Matthews.
Mr. Walter M'Laren.
Mr. Mundella.
Mr. Oldroyd.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Mr. Sexton.
Mr. Thomas Shaw.
Mr. T. H. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. T. D. Sullivan.
Mr. Tennant.
Mr. John Wilson.
Mr. Wyndham.

Another Amendment proposed, in page 7, line 27, at the end of the sub-section, to insert the words "or in which occasional employment for hire is given to not more than two persons dwelling elsewhere" (Mr. *Walter M'Laren*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 7, line 27, at the end of the sub-section, to insert the words "or in which not more than two persons dwelling elsewhere are employed for hire"—(Mr. *Johnson-Ferguson*).—Question proposed, That those words be there inserted.

Amendment proposed to the proposed Amendment, to leave out the word "two," and insert the word "six"—(Mr. *Jesse Collings*).—Question put, That the word "two" stand part of the proposed Amendment.—The Committee divided:

Ayes, 33.

Mr. Addison.
Mr. William Allen.
Mr. Asquith.
Mr. Michael Austin.
Mr. Broadhurst.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Channing.
Sir Charles Dilke.
Dr. Farquharson.
Sir John Gorst.
Mr. Archibald Grove.
Sir William Houldsworth.
Mr. Johnson-Ferguson.
Sir Joseph Leigh.
Mr. Walter M'Laren.
Mr. Mundella.
Mr. Naoroji.
Mr. Oldroyd.
Mr. Randell.
Mr. Rathbone.
Mr. George Russell.
Mr. Sexton.
Mr. Thomas Shaw.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. Tennant.
Mr. John Wilson.
Mr. Havelock Wilson.
Mr. Woods.
Mr. Wyndham.

Noes, 18.

Mr. Gerald Balfour.
Mr. Albert Bright.
Mr. Brown.
Mr. Jesse Collings.
Sir James Fergusson.
Mr. Hayes Fisher.
Mr. Heneage.
Sir Benjamin Hingley.
Mr. Jackson.
Sir James Joicey.
Mr. Kenrick.
Mr. Matthews.
Mr. Rankin.
Mr. Renshaw.
Mr. T. H. Sidebottom.
Mr. T. D. Sullivan.
Mr. Tomlinson.
Mr. R. G. Webster.

Another Amendment proposed to the proposed Amendment, to leave out the words "for hire" —(Mr. *Gerald Balfour*).—Question put, That the words "for hire" stand part of the proposed Amendment.—The Committee divided:

Ayes, 18.	Noes, 32.
Mr. Addison.	Mr. William Allen.
Mr. Brown.	Mr. Asquith.
Mr. Byles.	Mr. Michael Austin.
Mr. Jesse Collings.	Mr. Gerald Balfour.
Mr. Hayes Fisher.	Mr. Albert Bright.
Sir John Gorst.	Mr. Broadhurst.
Sir Benjamin Hingley.	Mr. John Burns.
Sir William Houldsworth.	Mr. Burt.
Mr. Jackson.	Mr. Sydney Buxton.
Sir James Joicey.	Mr. Channing.
Mr. Kenrick.	Sir Charles Dilke.
Sir Joseph Leigh.	Dr. Farquharson.
Mr. Renshaw.	Sir James Fergusson.
Mr. Samuel Smith.	Mr. Heneage.
Mr. T. D. Sullivan.	Mr. Johnson-Ferguson.
Mr. Tomlinson.	Mr. Matthews.
Mr. R. G. Webster.	Mr. Walter M'Laren.
Mr. Wyndham.	Mr. Mundella.
	Mr. Naoroji.
	Mr. Oldroyd.
	Mr. Randell.
	Mr. Rankin.
	Mr. Rathbone.
	Mr. George Russell.
	Mr. Sexton.
	Mr. Thomas Shaw.
	Mr. T. H. Sidebottom.
	Mr. Philip Stanhope.
	Mr. Tennant.
	Mr. John Wilson.
	Mr. Havelock Wilson.
	Mr. Woods.

Question, That the proposed words, as amended, be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 7, line 28, to leave out Sub-section (4)—(Sir *Charles Dilke*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to.*

Question, That Clause 19, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 20.—Amendment proposed, in page 7, line 31, to leave out from the word "of" to the word "Act," in line 32—(Mr. *Broadhurst*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 7, line 33, after the word "sections," to leave out the words "five and"—(Mr. *Matthews*).—Question, That the words "five and" stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 7, line 33, after the words "eighty-two," to insert the words "of the principal Act"—(Mr. *Broadhurst*).—Question, That the words "of the principal Act" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 7, lines 33 and 34, to leave out the words "with respect to the fencing of machinery"—(Mr. Secretary *Asquith*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

An Amendment made.

Another Amendment proposed, in page 7, line 35, at the beginning of the line, to insert the words "(ii.) The provisions of the Factory Acts with respect to accidents"—(Mr. Secretary *Asquith*).—Question, that those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 7, line 37, after the words "sixty-eight," to insert the words "of the principal Act"—(Mr. *Broadhurst*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 7, after line 37, after the word "Inspectors," to insert the words "(iv.) Sections 8 to 12 of the Act of 1891, with respect to special rules for dangerous employments"—(Mr. *Broadhurst*).—Question, That those words be there inserted,—put, and *agreed to.*

Another

Another Amendment proposed, in page 7, line 38, after the word "Act," to insert the words "with respect to the power of a court of summary jurisdiction to make an order as to dangerous machines, plant, and gear, and "—(Mr. *Broadhurst*).—Question, That those words be there inserted,—put, and *negatived*.

Another Amendment proposed, in page 7, lines 38 and 39, to leave out the words "the register of accidents and the formal investigation of accidents," and insert the words "the power to make orders as to dangerous machines "—(Mr. Secretary *Asquith*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived*.

Question, That the proposed words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 7, line 41, after the word "warehouse," to insert the words "and, so far as relates to the process of loading or unloading, every vessel which is lying alongside of a wharf or quay "—(Mr. Secretary *Asquith*).—Question proposed, That those words be there inserted.—The Committee divided :

Ayes, 29.	Noes, 13.
Mr. Asquith.	Mr. Addison.
Mr. Broadhurst.	Mr. Gerald Balfour.
Mr. John Burns.	Mr. Brown.
Mr. Burt.	Sir James Fergusson.
Mr. Sydney Buxton.	Sir Alfred Hickman.
Mr. Byles.	Sir Benjamin Hingley.
Mr. Channing.	Mr. Matthews.
Mr. Cohen.	Mr. Mowbray.
Sir Charles Dalrymple.	Mr. Rankin.
Sir Charles Dilke.	Mr. Renshaw.
Mr. Hayes Fisher.	Mr. T. H. Sidebottom.
Mr. Archibald Grove.	Mr. R. G. Webster.
Mr. Heneage.	Mr. Whiteley.
Mr. Johnson-Ferguson.	
Mr. Kenrick.	
Sir Joseph Leigh.	
Mr. Naoroji.	
Mr. Oldroyd.	
Mr. Randell.	
Mr. Rathbone.	
Mr. George Russell.	
Mr. Sexton.	
Mr. Samuel Smith.	
Mr. Philip Stanhope.	
Mr. Tennant.	
Mr. John Wilson.	
Mr. Havelock Wilson.	
Mr. Woods.	
Mr. Wyndham.	

Another Amendment proposed, in page 8, line 8, to leave out the word "occupier," and insert the words "person having the actual use or occupation "—(Mr. Secretary *Asquith*).—Question, That the word "occupier" stand part of the Clause,—put, and *negatived*.

Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 8, line 9, after the word "warehouse," to insert the words "or of any premises within the same or forming part thereof "—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 8, line 9, at the end of the last Amendment, after the word "thereof," to insert the words "and the master of a vessel "—(Mr. Secretary *Asquith*).—Question put, That those words be there inserted.—The Committee divided :

Ayes, 29.	Noes, 9.
Mr. William Allen.	Sir James Fergusson.
Mr. Asquith.	Mr. Heneage.
Mr. Gerald Balfour.	Mr. Jackson.
Mr. Broadhurst.	Sir James Joicey.
Mr. John Burns.	Mr. Matthews.
Mr. Sydney Buxton.	Mr. Rankin.
Mr. Byles.	Mr. Renshaw.
Mr. Caine.	Mr. T. H. Sidebottom.
Mr. Channing.	Mr. Whiteley.
Mr. Cohen.	
Sir Charles Dalrymple.	
Sir Charles Dilke.	

Ayes—*continued.*

Mr. Gourley.
Mr. Archibald Grove.
Mr. Johnson-Ferguson.
Sir Joseph Leigh.
Mr. E. J. C. Morton.
Mr. Mundella.
Mr. Naoroji.
Mr. Oldroyd.
Mr. Randell.
Mr. Sexton.
Mr. Thomas Shaw.
Mr. Philip Stanhope.
Mr. Tennant.
Mr. John Wilson.
Mr. Havelock Wilson.
Mr. Woods.
Mr. Wyndham.

[Adjourned to Thursday next at Twelve o'clock.

Thursday, 27th June 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.
Mr. Asquith.
Mr. Michael Austin.
Mr. Gerald Balfour.
Sir John Barran.
Mr. Broadhurst.
Mr. John Burns.
Mr. Burt.
Mr. Sydney Buxton.
Mr. Byles.
Mr. Channing.
Mr. Cohen.
Mr. Jesse Collings.
Sir Charles Dilke.
Sir James Fergusson.
Sir John Gorst.
Mr. Archibald Grove.
Mr. Heneage.
Sir Alfred Hickman.
Sir William Houldsworth.
Mr. Johnson-Ferguson.
Sir James Joicey.
Sir Joseph Leigh.
Mr. Matthews.
Mr. Mundella.
Mr. Naoroji.
Mr. Oldroyd.
Mr. Randell.
Mr. Rankin.
Mr. Rathbone.
Mr. Renshaw.
Mr. George Russell.
Colonel Saunderson.
Mr. Seton-Karr.
Mr. Sexton.
Mr. Thomas Shaw.
Mr. T. A. Sidebottom.
Mr. Samuel Smith.
Mr. Philip Stanhope.
Mr. Tennant.
Mr. Tomlinson.
Mr. R. G. Webster.
Mr. Whitely.
Mr. Havelock Wilson.
Mr. John Wilson (Govan).
Mr. Woods.
Mr. Wyndham.
Mr. Young.

Amendment proposed, in page 8, line 10, at the end of the clause to add the words—"(2.) The provisions of this Act with respect to notice of accidents and the formal investigation of accidents shall have effect as if—(a.) Any building which exceeds 30 feet in height, and which is being constructed or repaired by means of a scaffolding; and (b.) Any building which exceeds 30 feet in height, and in which more than 20 persons not being domestic servants, are employed for wages; were included in the word 'factory,' and as if, in the first case, the employer of the persons engaged in such construction or repair, and, in the second case, the occupier of the building, were the occupier of a factory"—(Mr. Secretary *Asquith*).—Question, That those words be there added,—put, and *agreed to.*

Another Amendment proposed, at the end of the Clause as amended, to add the words—"(3.) Where any complaint is made before a court of summary jurisdiction in respect of any contravention of the Factory Acts on any ship the court may, either immediately or at any subsequent stage of the proceedings, issue an order directed to any officer of customs or other officer named by the court, requiring him to detain the ship until the owner, master, or consignee of the ship has given security to be approved by the court in respect of any penalty and costs to which the owner, master, or consignee may be or become liable—(4.) In this section the words 'ship' and 'master' have the same meaning as in The Merchant Shipping Act, 1894"—(Mr. *Broadhurst*).—Question, That those words be there added,—put, and *negatived.*

Another

Another Amendment proposed, at the end of the Clause as amended, to add the words—"Provided also, that in any arbitration which may take place in consequence of the provisions of this section, regard shall be had to the interference (if any) with working or traffic which would be occasioned by the special rules or measures made under Section 8 of the Act of 1891."—(Mr. *Johnson-Ferguson*).—Question proposed, That those words be there added.

Amendment, by leave, *withdrawn.*

Question, That Clause 20, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 21.—Amendment proposed in page 8, line 13, after the word "persons," to insert the words "paying individually an annual rent not exceeding 200*l.*"—(Mr. *Philip Stanhope*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 8, line 37, after the word "purpose," to insert the words "but except so far as it relates to such machinery as is supplied by the occupier."—(Mr. *Whiteley*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 8, line 26, to leave out Sub-section (c)—(Mr. *Matthews*).—Question proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 8, line 27, at the beginning of the line, to insert the words "save as hereafter provided."—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 8, line 37, after the word "and," to insert the words "except in textile factories and"—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in pages 8—9, to leave out Sub-section (2) and insert the words "(2) Where different industries are carried on in the same tenement factory the obligations to affix the notice required by Section nineteen of the principal Act shall be on the occupier and not on the owner"—(Mr. Secretary *Asquith*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question, That the proposed words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 9, line 20, at the end of the Clause, to add as a new Sub-section, the words—"(7) Where the tenant of a building sublets the whole or a part in such manner as to constitute the building a tenement factory, he, for the purpose of the provisions of this section, shall be considered the owner."—(Mr. *Johnson-Ferguson*).—Question proposed, That those words be there added.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 9, at the end of the Clause, to add as a new Sub-section, the words—"(7) This Section shall not apply in the case of any occupier paying a rent in excess of two hundred pounds a year"—(Mr. Secretary *Asquith*).—Question, That those words be there added,—put, and *agreed to.*

Question, That Clause 21, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 22.—Amendment proposed, in page 9, line 33, after the word "boiler-house," to insert the words "and that the driving-shaft on each floor shall be provided with friction or other suitable coupling, by means of which the shaft of each room may be immediately stopped"—(Sir *Charles Dilke*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 9, line 39, at the end of the Clause, to add the words as a new sub-section—"(5) This section shall not apply to a textile factory"—(Mr. *Whiteley*).—Question, That those words be there added,—put, and *agreed to.*

Amendment proposed, in page 9, line 41, to leave out the word "similar"—(Sir *Charles Dilke*).—Question, That Clause 22, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 23, *agreed to.*

Clause 24.—Amendment proposed, in page 10, line 5, to leave out Sub-section (2)—(Mr. *Webster*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in line 13, at the end of the Clause, to add the words—"Provided always that when the premises are not insanitary in themselves, but only insanitary as a bakehouse, the occupier shall be entitled to deduct from the rent payable the expenses incurred in carrying out the necessary alterations in cases where the owner has let the premises as a bakehouse"—(Mr. *Webster*).—Question, That those words be there added,—put, and *negatived.*

Another Amendment proposed, in page 10, at the end of the Clause, to add as a new sub-section the words:—"(3) A place under ground shall not be used as a bakehouse unless it is so used at the commencement of this Act, and if any place is so used in contravention of this Act it shall be deemed to be a workshop not kept in conformity with the principal Act."—(Mr. Secretary *Asquith*).—Question, That those words be there added,—put, and *agreed to.*

Question, That Clause 24, as amended, stand part of the Bill,—put, and *agreed to*.

Clause 25.—Amendment proposed, in page 10, line 16, to leave out the words "tinning or".—(Sir *Alfred Hickman*).—Question proposed, That the words "tinning or" stand part of the Clause.—Amendment, by leave, *withdrawn*.

Question, That Clause 25 stand part of the Bill,—put, and *negatived*.

Clause 26.—Amendment proposed, in page 10, line 23, to leave out the words "all or any classes of persons," and insert the words "any woman, young person, or child"—(Mr. *Renshaw*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 27.	Noes, 6.
Mr. Addison.	Sir James Fergusson.
Mr. Asquith.	Sir James Joicey.
Mr. Michael Austin.	Mr. Matthews.
Mr. Gerald Balfour.	Mr. Renshaw.
Sir John Barran.	Mr. T. H. Sidebottom.
Mr. Broadhurst.	Mr. Tomlinson.
Mr. John Burns.	
Mr. Burt.	
Mr. Sydney Buxton.	
Mr. Byles.	
Mr. Channing.	
Mr. Cohen.	
Sir Charles Dilke.	
Sir John Gorst.	
Mr. Archibald Grove.	
Sir William Houldsworth.	
Sir Joseph Leigh.	
Mr. Mundella.	
Mr. Naoroji.	
Mr. Oldroyd.	
Mr. Randell.	
Mr. Sexton.	
Mr. Tennant.	
Mr. Whiteley.	
Mr. John Wilson.	
Mr. Havelock Wilson.	
Mr. Young.	

Motion made, and Question proposed, That the Committee do now adjourn—(Mr. *Matthews*).—Motion, by leave, *withdrawn*.

Motion made, and Question proposed, That the Committee, at its rising to-day, do adjourn till to-morrow—(Mr. *Webster*).—Motion, by leave, *withdrawn*.

Motion made, and Question, That the Committee, at its rising to-day, do adjourn till Monday next at eleven o'clock—(Mr. *Asquith*),—put, and *agreed to*.

Another Amendment proposed, in page 10, line 26, at the end of the Clause, to add the words—"Provided that any special rules or requirements under this section which relate to the employment or period of employment of adult workers shall be laid for 40 days before both Houses of Parliament before coming into operation"—(Mr. *Gerald Balfour*).—Question, That those words be there added,—put, and *agreed to*.

Another Amendment proposed, in page 10, at the end of the Clause as amended, to add the words—"(2) Sections eight to twelve of the Act of 1891 are hereby declared to extend to workshops conducted on the system of not employing any child, young person, or woman therein"—(Mr. Secretary *Asquith*).—Question, That those words be there added,—put, and *agreed to*.

Question, That Clause, as amended, stand part of the Bill,—put, and *agreed to*.

Clauses 27—28, *agreed to*.

Clause 29.—Amendment proposed, in page 11, line 22, after the word "produced," to insert the words "by steaming or other mechanical appliances"—(Mr. *Whiteley*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 11, at the end of the last Amendment, after the word "appliances" to insert the words "and which is not for the time being subject to special rules under Section 8 of the Act of 1891"—(Mr. Secretary *Asquith*).—Question, That those words be there inserted,—put, and *agreed to*.

Question,

Question put, That Clause 20, as amended, stand part of the Bill.—The Committee divided:

Ayes, 20.	Noes, 5.
Mr. Asquith.	Sir James Fergusson.
Mr. Michael Austin.	Sir Alfred Hickman.
Mr. John Burns.	Mr. Matthews.
Mr. Burt.	Mr. Renshaw.
Mr. Sydney Buxton.	Mr. Tomlinson.
Mr. Byles.	
Sir Charles Dilke.	
Sir John Gorst.	
Sir William Houldsworth.	
Sir James Joicey.	
Sir Joseph Leigh.	
Mr. Mundella.	
Mr. Naoroji.	
Mr. Oldroyd.	
Mr. Randell.	
Mr. Sexton.	
Mr. Tennant.	
Mr. Whiteley.	
Mr. John Wilson (*Govan*).	
Mr. Havelock Wilson.	

Adjourned till Monday next, at Eleven o'clock.

Monday, 1st July 1895.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Addison.	Sir Joseph Leigh.
Mr. Asquith.	Mr. Macartney.
Mr. Michael Austin.	Mr. Walter M'Laren.
Mr. Gerald Balfour.	Mr. Matthews.
Sir John Barran.	Mr. Mowbray.
Mr. Broadhurst.	Mr. Mundella.
Mr. Brown.	Mr. Naoroji.
Mr. John Burns.	Mr. Oldroyd.
Mr. Burt.	Mr. Randell.
Mr. Sydney Buxton.	Mr. Rathbone.
Mr. Channing.	Mr. Renshaw.
Mr. Cohen.	Mr. George Russell.
Sir Charles Dalrymple.	Colonel Saunderson.
Sir Charles Dilke.	Mr. Seton-Karr.
Sir James Fergusson.	Mr. Sexton.
Mr. Hayes Fisher.	Mr. Thomas Shaw.
Mr. Gilliat.	Mr. Philip Stanhope.
Sir John Gorst.	Mr. Tennant.
Mr. Gourley.	Mr. Tomlinson.
Mr. Archibald Grove.	Mr. R. G. Webster.
Mr. Heneage.	Mr. Whiteley.
Sir Alfred Hickman.	Mr. John Wilson (*Govan*).
Sir William Houldsworth.	Mr. Wyndham.
Mr. Johnson-Ferguson.	

Clause 30.—Amendment proposed, in page 11, lines 30 and 31, to leave out the words "in which the business of making wearing apparel is carried on"—(Mr. *Hayes Fisher*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived*.

Another Amendment proposed, in page 11, line 31, to leave out the words "the temperature of," and to insert the words "adequate measures shall be taken for securing a reasonable temperature in"—(Mr. *Gerald Balfour*).—Question, That the words "the temperature of" stand part of the Clause,—put, and *negatived*.

Question proposed, That the proposed words be there inserted.

Amendment proposed to the proposed Amendment, after the word "securing," to insert the words "and maintaining"—(Mr. *Sydney Buxton*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed to the proposed Amendment, as amended, after the word "temperature," to insert the words "and adequate means of ventilation"—(Sir *Charles Dilke*).—Question proposed, That the words "and adequate means of ventilation" be inserted in the proposed Amendment.

Amendment, by leave, *withdrawn.*

Question, That the proposed words, as amended, be inserted in the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 11, line 32, to leave out from the word "business" to the end of the sub-section"—(Mr. *Gerald Balfour*).—Question proposed, That the words proposed to be left out stand part of the Clause.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 11, lines 32 and 33, after the word "employed," to leave out the words "in that business shall be kept up to not less than 60 degrees Fahrenheit"—(Mr. *Gerald Balfour*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 11, line 33, after the word "employed," to insert the words "by means not injurious to health"—(Sir *Charles Dilke*).—Question, That those words be there inserted,—put, and *negatived.*

Question, That Clause 30, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 31, *agreed to.*

Clause 32.—Amendment proposed, in page 11, lines 41 and 42, to leave out from the word "shall" to the words "to the," and insert the words "upon the request of"—(Mr. *Whiteley*).—Question proposed, That the words proposed to be left out stand part of the Clause.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 11, line 42, to leave out the words "twenty-first day of January," and insert the words "first day of March"—(Mr. *Mowbray*).—Question, That the words "twenty-first day of January" stand part of the Clause,—put, and *negatived.*

Question, That the words "first day of March" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 12, line 3, after the word "the," to insert the word "average"—(Mr. *Sydney Buxton*).—Question proposed, That the word "average" be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 12, line 3, after the word "persons," to leave out the words "who are"—(Mr. *Asquith*).—Question proposed, That the words "who are" stand part of the Clause.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 12, line 3, after the word "persons," to leave out the words "who are ordinarily"—(Sir *John Gorst*).—Question, That the words "who are ordinarily" stand part of the Clause,—put, and *negatived.*

Question, That Clause 32, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 33.—Amendment proposed, in page 12, line 8, to leave out the words "In every place"—(Mr. *Renshaw*).—Question proposed, That the words "In every place" stand part of the Clause.

Amendment, by leave, *withdrawn.*

Question, That Clause 33 stand part of the Bill,—put, and *agreed to.*

Clause 34.—Amendment proposed, in page 12, line 24, to leave out from the words "two o'clock in the afternoon" to the end of the sub-section, and insert the words "'seven o'clock in the morning' shall be inserted the words 'or at eight o'clock in the morning'"—(Sir *Charles Dilke*).—Question proposed, That the words proposed to be left out stand part of the Clause.

Amendment, by leave, *withdrawn.*

Question, That Clause 34 stand part of the Bill,—put, and *agreed to.*

Clause 35.—Amendment proposed, in page 13, line 4, after the word "section," to add the words "except in the case of silk manufacture, whether carried on in factories or workshops"—(Mr. *Whiteley*).—Question proposed, That those words be there added.

Amendment, by leave, *withdrawn.*

Question, That Clause 35 stand part of the Bill,—put, and *agreed to.*

Question, That Clause 36 stand part of the Bill,—put, and *negatived.*

Clause

Clause 37.—Amendment proposed, in page 13, line 26, to leave out the word "two," and insert the word "one"—(Sir *Alfred Hickman*).—Question proposed, That the word "two" stand part of the Clause.

Amendment, by leave, *withdrawn.*

Question, That Clause 37 stand part of the Bill,—put, and *agreed to.*

Clause 38.—Amendment proposed, in page 13, line 28, after the word "factory," to insert the words "or textile workshop"—(Sir *Charles Dilke*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 13, line 34, to leave out paragraph (a), and insert the words—"(a) The particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter and posted in a position where it is easily legible; and the particulars of the rate of wages applicable to the work to be done by each worker other than a weaver shall be furnished to him in writing at the time when the work is given out to him: Provided that if the same particulars are applicable to the work to be done by each of the workers in one room, it shall be sufficient to exhibit them in that room on a placard not containing any other matter and posted in a position where it is easily legible"—(Sir *Charles Dilke*).—Question proposed, That the words "the particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him" stand part of the Clause.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 13, line 34, at the beginning of the line, to insert the words—

"The particulars of the rate of wages applicable to the work to be done by each weaver in the worsted and woollen other than the hosiery trades shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible and"—(Sir *Charles Dilke*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment made.

Another Amendment proposed, in page 14, line 5, to leave out from the word "unless" to the word "section," in line 7—(Sir *Charles Dilke*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 14, after paragraph (c), to insert as a new paragraph (d), the words—"(d) Where an automatic indicator is used for ascertaining work, such indicator shall have marked upon its case the number of teeth in each wheel and the diameter of the driving roller, but, in the case of spinning machines with traversing carriages, the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller"—(Mr. *Whiteley*).—Question, That the proposed words be there added,—put, and *agreed to.*

Another Amendment proposed, at the end of the last Amendment, to add as a new paragraph the words—"(e) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room in pursuance of an agreement between employers and workmen, and in conformity with"—(Mr. *Asquith*).—Question, That the proposed words be there added,—put, and *agreed to.*

Another Amendment proposed, in page 14, line 26, at end of Clause to add the words—"(6.) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of non-textile factories, or to any class of workshops, may, if he thinks fit, by order made in accordance with section sixty-five of the principal Act, apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case"—(Mr. *Asquith*).—Question, That those words be there added,—put, and *agreed to.*

Question, That Clause 38, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 39.—An Amendment made.—Question, That Clause 39, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 40.—Amendment proposed, in page 14, line 42, to leave out from the word "before" to the word "year," in line 43, and insert the words "the third day of each month"—(Sir *Charles Dilke*).—Question proposed, That the words proposed to be left out stand part of the Clause.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 14, lines 42—43, to leave out the words "twenty-first day of January," and insert the words "first day of March"—(Mr. *Sydney Buxton*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question, That the proposed words be there inserted,—put, and *agreed to.*

Another Amendment made.—Another Amendment proposed, in page 14, line 44, after the word "inspector," to insert the words "and to the sanitary authority"—(Sir *Charles Dilke*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn*.

Another Amendment made.—Question, That Clause 40, as amended, stand part of the Bill,—put, and *agreed to*.

Clause 41, *agreed to*.

Clause 42.—An Amendment made. Question, That Clause 42, as amended, stand part of the Bill,—put, and *agreed to*.

Clause 43, *agreed to*.

Clause 44.—Amendment proposed, in page 15, line 32, to leave out the words "the Factory Acts," and insert the words "this section"—(Mr. *Asquith*).—Question, That the words "the Factory Acts" stand part of the Clause,—put, and *negatived*.

Question, That the words "this section" be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 15, line 37, at end of the Clause, to add the words—"(3.) Such fees shall, where the examination is in pursuance of this section, be paid by the Secretary of State, and where the examination is in pursuance of special rules be paid by the occupier of the factory or workshop"—(Mr. *Asquith*).—Question, That those words be there added,—put, and *agreed to*.

Question, That Clause 44, as amended, stand part of the Bill,—put, and *agreed to*.

Clauses 45—46, *agreed to*.

Clause 47.—An Amendment made. Question, That Clause 47, as amended, stand part of the Bill,—put, and *agreed to*.

Clauses 48—52, *agreed to*.

New Clause (Competency of defendant to give evidence), brought up, and read the first and second time, as follows:—"A person charged with an offence under the Factory Acts may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness"—(Mr. *Asquith*).—Question, That the Clause be added to the Bill,—put, and *agreed to*.

Another New Clause (Provision as to arbitration on special rules), brought up, and read the first time, as follows:—"(1.) An application to refer under Section 7 of the Act of 1891 a difference as to a notice by a sanitary authority or by the London County Council must be made within one month after the time when the difference arises. (2.) Where such a difference is referred to arbitration the notice of the sanitary authority or council shall be discharged, amended, or confirmed in accordance with the award on the arbitration."—(Mr. *Asquith*).—Question, That the Clause be added to the Bill,—put, and *agreed to*.

Another New Clause (Power to treat separate branches as separate factories), brought up, and read the first time, as follows:—"The Secretary of State may by order made in accordance with Section 65 of the principal Act direct, with respect to any class of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of the Factory Acts, be treated as if they were different factories or workshops"—(Mr. *Asquith*).—New Clause read a second time.

Amendment proposed to the proposed New Clause, line 4, after the word "Acts," to insert the words "except so far as those Acts relate to the period of employment in a factory or workshop" (Sir *Charles Dilke*).—Question proposed, That the proposed words be there inserted.

Amendment, by leave, *withdrawn*.

Question, That the Clause be added to the Bill,—put, and *agreed to*.

New Clause (Publication of Orders), brought up, and read the first and second time, as follows:—"Every order made in accordance with Section 65 of the principal Act shall be published in such manner as the Secretary of State thinks best adapted for the information of all persons interested"—(Mr. *Asquith*).—Question, That the Clause be added to the Bill,—put, and *agreed to*.

Another New Clause (Provisions relating to bedrooms in the same building with factories or workshops, or used in connection with them), brought up, and read the first and second time, as follows:—"(1.) Where a room in the same building with a factory or workshop, or a room which is used in connection with a factory or workshop, and to which or over which the occupier of the factory or workshop has the right of access or control, is used as a bedroom by women, female young persons, or children employed in the factory or workshop, the law relating to overcrowding shall (notwithstanding anything in Section 93 of the principal Act) apply to the room while so used as if it was part of the factory or workshop, and as if work was carried on therein. (2.) Where a female inspector has reasonable cause to believe that any such room is so used, she may enter, inspect, and examine the room at all reasonable times by day and night, and shall be deemed to have power to do so under Section 68 of the principal Act. (3.) Where a female inspector had reasonable cause to believe that a bedroom in the same building with a factory or workshop, or a bedroom which is used in connection with a factory or workshop, and to which or over which the occupier

occupier of the factory or workshop has the right of access or control, is used as a workshop, and that any woman, or female young person, or child is employed therein, she may enter, inspect, and examine the bedroom at all reasonable times by day and night, and shall be deemed to have power to do so under Section 68 of the principal Act. (4.) For the purposes of this section, the term 'female inspector' shall include any female officer of a sanitary authority who has power to enter and inspect workshops. (5.) Nothing in this section shall empower any male inspector, or any male officer of a sanitary authority, to enter any room to which this section applies"—(Sir *Charles Dilke*).—Question proposed, That the Clause be added to the Bill.

New Clause, by leave, *withdrawn.*

Another New Clause (Registers of children and young persons made compulsory in certain workshops), brought up, and read the first and second time, as follows :—"Section 77 of the principal Act, which requires registers to be kept of children and young persons, shall apply to all workshops to which Section 53 of the principal Act applies"—(Sir *Charles Dilke*).—Question, That the Clause be added to the Bill,—put, and *agreed to.*

Another New Clause (Amendment of Part 6 of Schedule 3 of the principal Act), brought up, and read the first time, as follows :—"Part 6 of the Third Schedule of the principal Act shall, subject to the provisions of Section 13 of this Act, be read and construed as if there were added thereto, at the end, the words '(e) Wrought iron tube works and rolling mills'"—(Mr. *Tomlinson*).—Question, That this Clause be added to the Bill,—put, and *negatived.*

Schedule I.—Amendments made.—Question, That Schedule I., as amended, stand part of the Bill,—put, and *agreed to.*

Schedule 2, *agreed to.*

Schedule 3.—An Amendment made.—Question, That Schedule 3, as amended, stand part of the Bill,—put, and *agreed to.*

Ordered, To report the Bill, as amended, to the House.

[Committee rose at half-past Two o'clock.

REPORT

FROM THE

STANDING COMMITTEE

ON

TRADE (INCLUDING AGRICULTURE AND FISHING), SHIPPING, AND MANUFACTURES,

ON THE

FACTORIES AND WORKSHOPS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
1 *July* 1895.

[*Price* 5½ *d.*]

349. *Under* 5 *oz.*

REPORT

FROM THE

STANDING COMMITTEE (SCOTLAND)

ON THE

FATAL ACCIDENTS INQUIRY (SCOTLAND) BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
24 *June* 1895.

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320.

FATAL ACCIDENTS INQUIRY (SCOTLAND) BILL.

Ordered,—[*Monday*, 11*th March* 1895]:—THAT all Standing Committees have leave to print, and circulate with the Votes, the Minutes of their Proceedings, and any amended clauses of Bills committed to them.

Ordered,—[*Thursday*, 23*rd May* 1895]:—THAT, in addition to the two Standing Committees appointed under Standing Order No. 47, a Standing Committee shall be appointed for the consideration of all Bills introduced by a Minister of the Crown relating exclusively to Scotland, which may, by Order of the House, be committed to them, and that the provisions of Standing Order No. 47 shall apply to the said Standing Committee.

THAT the said Standing Committee do consist of all the Members representing Scottish constituencies, together with Twenty other Members to be nominated by the Committee of Selection, who shall have regard in such appointment to the approximation of the balance of parties in the Committee to that of the whole House, and who shall have power from time to time to discharge the Members so nominated by them, and to appoint others in substitution of those discharged.

THAT Standing Orders Nos. 49 and 50 do apply to the said Standing Committee.

[*Tuesday*, 28*th May* 1895]:—Sir John Mowbray reported from the Committee of Selection; That they had added to the Standing Committee (Scotland) the following Twenty Members:—Mr. Balfour, Mr. Gerald Balfour, Commander Bethell, Mr. Cayzer, Sir Charles Dalrymple, Major Darwin, Lord Elcho, Sir James Fergusson, Mr. Goschen, Sir William Houldsworth, Mr. Jebb, Mr. Jeffreys, Mr. Seton-Karr, Mr. James William Lowther, Sir William Pearce, Mr. Power, Mr. Ritchie, Mr. T. W. Russell, Mr. Scott Montagu, and Lord Willoughby d'Eresby.

[*Thursday*, 30*th May* 1895]:—Sir George Osborne Morgan reported from the Chairmen's Panel; That they had appointed Mr. Stansfeld to act as Chairman for the consideration of Bills committed to the Standing Committee (Scotland).

Ordered,—[*Monday*, 11*th June* 1895]:—THAT the Fatal Accidents Inquiry (Scotland) Bill be referred to the Standing Committee (Scotland).

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REPORT.

THE STANDING COMMITTEE (SCOTLAND), to whom the FATAL ACCIDENTS INQUIRY (SCOTLAND) BILL was referred;——HAVE gone through the same, and made Amendments thereunto.

24 *June* 1895.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 18*th June* 1895.

MEMBERS PRESENT:

Sir JAMES STANSFELD in the Chair.

The Lord Advocate.
Mr. Anstruther.
Mr. Asher.
Mr. Attorney-General.
Mr. Baird.
Mr. Beith.
Commander Bethell.
Mr. Birkmyre.
Mr. Birrell.
Mr. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. J. A. Campbell.
Mr. Campbell-Bannerman.
Sir James Carmichael.
Dr. Clark.
Mr. Donald Crawford.
Mr. Crombie.
Sir Charles Dalrymple.
Mr. Dalziel.
Major Darwin.
Dr. Farquharson.
Mr. R. C. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. Hozier.
Mr. W. Jacks.
Mr. Seton-Karr.
Mr. J. Seymour Keay.
Sir John Kinloch.
Mr. James William Lowther.
Sir Leonard Lyell.
Sir Donald Macfarlane.
Mr. M'Ewan.
Mr Lewis M'Iver.
Mr. John M'Leod.
Mr. W. J. Maxwell.
Sir Herbert Maxwell.
Mr. Napier.
Mr. Paul.
Sir Charles Pearson.
Mr. Provand.
Mr. Renshaw.
Mr. Robertson.
Mr. T. W. Russell.
Mr. Thomas Shaw.
Mr. Shaw-Stewart.
Captain Sinclair.
Mr. Harry Smith.
Mr. Parker Smith.
Sir Mark Stewart.
Mr. Thorburn.
Sir George Trevelyan.
Mr. R. Wallace.
Sir William Wedderburn.
Mr. Weir.
Mr. G. A. Whitelaw.
Mr. W. Whitelaw.
Mr. J. Shiress Will.
Mr. Stephen Williamson.
Lord Willoughby d'Eresby.
Mr. John Wilson (*Lanark*).

Motion made and Question proposed, That the Committee do meet on Mondays and Fridays—(Sir *J. Fergusson*).

Whereupon motion made and Question put, That this Debate be adjourned till Friday—(Mr. *Hozier*).—The Committee divided:

Ayes, 17.	Noes, 28.
Mr. Anstruther.	The Lord Advocate.
Mr. Baird.	Mr. Attorney-General.
Commander Bethell.	Mr. Beith.
Mr. Buchanan.	Mr. Birrell.
Sir James Carmichael.	Mr. Caldwell.
Dr. Clark.	Sir Charles Cameron.
Mr. Donald Crawford.	Mr. James Campbell.

Mr.

Ayes—*continued.*	Noes—*continued.*
Mr. Dalziel.	Sir Charles Dalrymple.
Major Darwin.	Mr. Munro Ferguson.
Dr. Farquharson.	Sir James Fergusson.
Captain Hope.	Mr. Seymour Keay.
Mr. Hozier.	Sir John Kinloch.
Mr. Jacks.	Sir Leonard Lyell.
Mr. Paul.	Sir Donald Macfarlane.
Mr. T. W. Russell.	Mr. M'Ewan.
Mr. Seton-Karr.	Mr. Maxwell.
Captain Sinclair.	Sir Charles Pearson.
	Mr. Renshaw.
	Mr. Thomas Shaw.
	Mr. Harry Smith.
	Mr. Parker Smith.
	Mr. Thorburn.
	Sir George Trevelyan.
	Mr. G. A. L. Whitelaw.
	Mr. William Whitelaw.
	Mr. Shiress Will.
	Mr. Stephen Williamson.
	Mr. John Wilson (*Lanark*).

Original Question again proposed.

Amendment proposed, to leave out the word "Mondays," and insert the word "Tuesdays" —(Mr. *Buchanan*).—Question put, That the word "Mondays" stand part of the Question.—The Committee divided :

Ayes, 26.	Noes, 23.
The Lord Advocate.	Mr. Anstruther.
Mr. Baird.	Mr. Attorney-General.
Commander Bethell.	Mr. Beith.
Mr. Birrell.	Mr. Buchanan.
Mr. Caldwell.	Mr. James Campbell.
Sir Charles Cameron.	Sir James Carmichael.
Mr. Donald Crawford.	Dr. Clark.
Sir Charles Dalrymple.	Mr. Dalziel.
Sir James Fergusson.	Major Darwin.
Mr. Jacks.	Dr. Farquharson.
Mr. Seymour Keay.	Mr. Munro Ferguson.
Sir John Kinloch.	Captain Hope.
Sir Leonard Lyell.	Mr. Hozier.
Sir Donald Macfarlane.	Mr. M'Leod.
Mr. M'Ewan.	Sir Herbert Maxwell.
Mr. Maxwell.	Mr. Paul.
Sir Charles Pearson.	Mr. T. W. Russell.
Mr. Provand.	Mr. Seton-Karr.
Mr. Renshaw.	Captain Sinclair
Mr. Thomas Shaw.	Mr. Harry Smith.
Mr. Parker Smith.	Mr. Stephen Williamson.
Mr. Thorburn.	Lord Willoughby d'Eresby.
Sir George Trevelyan.	Mr. John Wilson (*Lanark*).
Mr. G. A. L. Whitelaw.	
Mr. William Whitelaw.	
Mr. Shiress Will.	

Original Question put, and *agreed to*.

Resolved, That the Committee do meet on Mondays and Fridays.

Motion made and Question put, "That the Chairman do leave the Chair for a quarter of an hour, at a convenient opportunity during the sitting "—(Mr. *Parker Smith*.)—The Committee divided :

Ayes, 20.	Noes, 25.
The Lord Advocate.	Mr. Baird.
Mr. Anstruther.	Commander Bethell.
Mr. Attorney-General.	Mr. Birrell.
Mr. Beith.	Mr. Buchanan.
Mr. Birkmyre.	Mr. Caldwell.
Mr. Munro Ferguson.	Mr. James Campbell.

Ayes—*continued.*

Sir James Fergusson.
Mr. Jacks
Sir Donald Macfarlane.
Mr. Maxwell.
Sir Herbert Maxwell.
Sir Charles Pearson.
Mr. Thomas Shaw.
Captain Sinclair.
Mr. Harry Smith.
Mr. Parker Smith.
Mr. Thorburn.
Sir George Trevelyan.
Mr. Stephen Williamson.
Lord Willoughby de Eresby.

Noes—*continued.*

Dr. Clark.
Mr. Donald Crawford.
Mr. Dalziel.
Major Darwin.
Captain Hope.
Mr. Hozier.
Mr. Seymour Keay.
Sir John Kinloch.
Sir Leonard Lyell.
Mr. M'Ewan.
Mr. M'Iver.
Mr. M'Leod.
Mr. Paul.
Mr. Provand.
Mr. T. W. Russell.
Mr. G. A. L. Whitelaw.
Mr. William Whitelaw.
Mr. Shiress Will.
Mr. John Wilson (*Lanark*).

Clause 1, *agreed to.*

Clause 2.—Amendment proposed, in page 1, line 7, after the word "death," to insert the words "from accident"—(Sir *James Fergusson*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 10.

Mr. Anstruther.
Mr. Baird.
Sir James Fergusson.
Mr. James William Lowther.
Sir Donald Macfarlane.
Mr. Maxwell.
Sir Herbert Maxwell.
Sir Mark Stewart.
Mr. Thorburn.
Lord Willoughby de Eresby.

Noes, 44.

The Lord Advocate.
Mr. Asher.
Mr. Attorney General.
Mr. Beith.
Commander Bethell.
Mr. Birkmyre.
Mr. Birrell.
Mr. Buchanan.
Mr. Caldwell.
Mr. James Campbell.
Mr. Campbell-Bannerman.
Sir James Carmichael.
Dr. Clark.
Mr. Donald Crawford.
Mr. Crombie.
Mr. Dalziel.
Major Darwin.
Mr. Munro Ferguson.
Captain Hope.
Mr. Hozier.
Mr. Jacks.
Mr. Seymour Keay.
Sir John Kinloch.
Sir Leonard Lyell.
Mr. M'Ewan.
Mr. M'Iver.
Mr. M'Leod.
Mr. Paul.
Sir Charles Pearson.
Mr. Provand.
Mr. T. W. Russell.
Mr. Thomas Shaw.
Mr. Shaw-Stewart.
Captain Sinclair.
Mr. Harry Smith.
Mr. Parker Smith.
Sir George Trevelyan.
Mr. Robert Wallace.
Sir William Wedderburn.
Mr. G. A. L. Whitelaw.
Mr. William Whitelaw.
Mr. Shiress Will.
Mr. Stephen Williamson.
Mr. John Wilson (*Lanark*).

Another

Another Amendment proposed, in page 1, line 8, after the word "persons," to insert the words "whether employers or employed."—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 8, to leave out the words "engaged in," and insert the words "from accident occurring in the course of"—(Mr. *Maxwell*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 18.	Noes, 5.
The Lord Advocate.	Mr. Dalziel.
Mr. Asher.	Mr. Jacks.
Mr. Attorney General.	Mr. Maxwell.
Commander Bethell.	Mr. T. W. Russell.
Mr. Birkmyre.	Mr. William Whitelaw.
Mr. Caldwell.	
Mr. Donald Crawford.	
Mr. M'Leod.	
Mr. Paul.	
Sir Charles Pearson.	
Mr. Provand.	
Mr. Thomas Shaw.	
Captain Sinclair.	
Mr. Harry Smith.	
Sir George Trevelyan.	
Mr. Robert Wallace.	
Mr. Stephen Williamson.	
Mr. John Wilson (*Lanark*).	

Another Amendment proposed, in page 1, line 8, to leave out the word "industrial"—(Mr. *Maxwell*).—Question proposed, That the word "industrial" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 1, line 9, to leave out the word "from," and insert the words "due or reasonably believed to be due to"—(Major *Darwin*).—Question, That the word "from" stand part of the Clause,—put, and *negatived.*

Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 10, at the end of the Clause, to add the words "Provided that this Act shall not apply to any case in which an inquiry is competent under the Railways Regulation Act, 1871, the Coal Mines Regulation Act, 1887, the Boiler Explosions Acts, 1882 and 1890, the Factory and Workshops Act, 1891, or the Notice of Accidents Act, 1894"—(Mr. *Parker Smith*).—Question proposed, That those words be there added.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 21*st June* 1895.

MEMBERS PRESENT:

Sir JAMES STANSFELD in the Chair.

The Lord Advocate.	Sir Donald Macfarlane.
Mr. Anstruther.	Mr. M'Ewan.
Mr. Attorney General.	Mr. Lewis M'Iver.
Mr. Baillie.	Mr. John M'Leod.
Mr. Baird.	Mr. Maxwell.
Mr. Beith.	Sir Herbert Maxwell.
Commander Bethell.	Mr. Andrew Graham Murray.
Mr. Birkmyre.	Mr. Napier.
Mr. Buchanan.	Mr. Paul.
Mr. Caldwell.	Sir W. Pearce.
Sir Charles Cameron.	Sir Charles Pearson.
Mr. J. A. Campbell.	Mr. Provand.
Mr. Campbell-Bannerman.	Mr. Renshaw.
Sir James Carmichael.	Mr. Robertson.
Dr. Clark.	Mr. T. W. Russell.

Mr. Cochrane.
Mr. Cameron Corbett.
Mr. Donald Crawford.
Mr. Crombie.
Mr. Alexander Cross.
Sir Charles Dalrymple.
Mr. Dalziel.
Major Darwin.
Dr. Farquharson.
Mr. R. C. Munro Ferguson.
Sir James Fergusson.
Mr. Hozier.
Mr. Jacks.
Sir John Kinloch.
Mr. James William Lowther.
Sir Leonard Lyell.
Mr. Thomas Shaw.
Mr. Shaw-Stewart.
Captain Sinclair.
Mr. Harry Smith.
Mr. Parker Smith.
Sir Mark Stewart.
Mr. Thorburn.
Sir George Trevelyan.
Mr. Robert Wallace.
Mr. Wason.
Mr. G. A. Whitelaw.
Mr. William Whitelaw.
Mr. Shiress Will.
Mr. Stephen Williamson.
Mr. John Wilson (*Lanark*).

Clause 2.—Question again proposed, in page 1, line 10, at the end of the Clause, to add the words "Provided that this Act shall not apply to any case in which an inquiry is competent under the Railways Regulation Act, 1871, the Coal Mines Regulation Act, 1887, the Boiler Explosions Acts, 1882 and 1890, the Factory and Workshops Act, 1891, or the Notice of Accidents Act, 1894"—(Mr. *Parker Smith*).—Question put, That those words be there added.—The Committee divided:

Ayes, 15.

Mr. Anstruther.
Mr. Baillie.
Mr. Baird.
Mr. James Campbell.
Sir Charles Dalrymple.
Mr. James William Lowther.
Mr. Maxwell.
Sir Herbert Maxwell.
Mr. Andrew Graham Murray.
Sir William Pearce.
Sir Charles Pearson.
Mr. Renshaw.
Mr. Shaw-Stewart.
Mr. Parker Smith.
Mr. Thorburn.

Noes, 34.

The Lord Advocate.
Mr. Beith.
Mr. Birkmyre.
Mr. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. Cochrane.
Mr. Cameron Corbett.
Mr. Donald Crawford.
Mr. Crombie.
Mr. Dalziel.
Dr. Farquharson.
Sir James Fergusson.
Mr. Jacks.
Sir John Kinloch.
Sir Leonard Lyell.
Sir Donald Macfarlane.
Mr. M'Ewan.
Mr. M'Iver
Mr. M'Leod.
Mr. Napier.
Mr. Paul.
Mr. Provand.
Mr. T. W. Russell.
Mr. Thomas Shaw.
Captain Sinclair.
Mr. Harry Smith.
Sir George Trevelyan.
Mr. Wason.
Mr. G. A. L. Whitelaw.
Mr. William Whitelaw.
Mr. Shiress Will.
Mr. Stephen Williamson.
Mr. John Wilson (*Lanark*).

Another Amendment proposed, in page 1, line 10, at the end of the Clause, to add the words "Provided that nothing in this Act shall apply to any case of death in respect of which it is determined by the Lord Advocate to institute criminal proceedings against any person"—(Mr. *Parker Smith*).—Question proposed, That those words be there added.—Amendment, by leave, *withdrawn*.

Clause as amended, *agreed to*.

Clause

Clause 3.—Amendment proposed, in page 1, line 13, to leave out from the words "so soon" to the word "forthwith," in line 15, and insert the words "As soon as possible after receiving information thereof report to the Crown agent the circumstances of the case for the information of the Lord Advocate, who shall thereupon determine whether the case is one in which a public inquiry ought to be held, and cause the procurator fiscal to be instructed accordingly.

(2.) The procurator fiscal, on receiving instructions that a public inquiry is to be held, shall"—(Sir *Charles Pearson*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 33.	Noes, 10.
The Lord Advocate.	Mr. Anstruther.
Mr. Baillie.	Mr. Baird.
Mr. Beith.	Mr. James Campbell.
Mr. Birkmyre.	Mr. Cochrane.
Mr. Buchanan.	Mr. Maxwell.
Mr. Caldwell.	Mr. Murray.
Sir Charles Cameron.	Sir Charles Pearson.
Mr. Campbell-Bannerman.	Mr. Renshaw.
Sir James Carmichael.	Mr. Parker Smith.
Mr. Cameron Corbett.	Mr. Thorburn.
Mr. Donald Crawford.	
Sir Charles Dalrymple.	
Mr. Dalziel.	
Mr. Munro Ferguson.	
Sir James Fergusson.	
Sir John Kinloch.	
Mr. James William Lowther.	
Sir Leonard Lyell.	
Mr. M'Ewan.	
Mr. M'Iver.	
Mr. M'Leod.	
Mr. Napier.	
Mr. Paul.	
Mr. T. W. Russell.	
Mr. Thomas Shaw.	
Captain Sinclair.	
Mr. Harry Smith.	
Sir George Trevelyan.	
Mr. Wason.	
Mr. William Whitelaw.	
Mr. Shiress Will.	
Mr. Stephen Williamson.	
Mr. John Wilson (*Lanark*).	

Another Amendment proposed, in page 1. line 17, after the word "accident," to insert the words "and shall also furnish to the sheriff clerk, so far as possible, by letter posted or delivered, information as to the names and addresses of the wife or husband, or of the nearest known relative, and of the employer, if any, of each person who has lost his or her life in the accident"—(Mr. *William Whitelaw*).—Question, That those words be there inserted,—put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 4.—Amendments made.

Another Amendment proposed, in page 2, line 11, to leave out from the word "In" to the word "district" in line 15, and insert the words "In any case in which it is competent for any official or department of Her Majesty's Government to cause public inquiry to be made into the facts and circumstances of the accident under the provisions of any statute in force for the time being, then such intimation shall also be made to such official or department"—(Mr. *Parker Smith*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 2, line 18, after the word "them," to insert the words "In the event of the Secretary for Scotland being satisfied that the sheriff of any county will be habitually unable, owing to the pressure of official duty, to hold inquiries under this Act, the Secretary for Scotland may appoint a competent person, who shall possess the qualifications necessary for the office of sheriff-substitute, to hold all such inquiries in the said county in his stead, and the person so appointed shall have all the powers of a sheriff under this

this Act for the purposes of such inquiries"—(Mr. *William Whitelaw*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 2, line 20, after the word "duty," to insert the words "or other cause which the Secretary for Scotland shall hold to be sufficient"—(The *Lord Advocate*).—Question, That those words be there inserted,—put, and *agreed to.*

Other Amendments made.

Another Amendment proposed, in page 2, line 26, after the word "inquiry" to insert the words: "Where any sheriff, or his substitute, holds or is about to hold an inquiry under this Act, and makes a written request to the Secretary for Scotland in this behalf, the Secretary for Scotland may appoint an inspector, or some person possessing special knowledge, to assist in holding such inquiry, and any person so appointed shall act as the assessor of the sheriff or his substitute"—(Mr. *William Whitelaw.*)—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 2, line 27, to leave out from the words "The inquiry" to the word "day" in line 31.—Question put, That the words "The inquiry shall be by the sheriff and a jury and the sheriff clerk shall cite," stand part of the Clause.—The Committee divided:

Ayes, 41.	Noes, 13.
The Lord Advocate.	Mr. Anstruther.
Mr. Attorney General.	Mr. Baird.
Mr. Baillie.	Mr. James Campbell.
Mr. Beith.	Mr. Maxwell.
Mr. Birkmyre.	Sir Herbert Maxwell.
Mr. Buchanan.	Mr. Murray.
Mr. Caldwell.	Sir Charles Pearson.
Sir Charles Cameron.	Mr. Renshaw.
Sir James Carmichael.	Mr. Shaw-Stewart.
Dr. Clark.	Mr. Parker Smith.
Mr. Cochrane.	Sir Mark Stewart.
Mr. Cameron Corbett.	Mr. Thorburn.
Mr. Donald Crawford.	Mr. William Whitelaw.
Mr. Crombie.	
Mr. Alexander Cross.	
Sir Charles Dalrymple.	
Mr. Dalziel.	
Major Darwin.	
Dr. Farquharson.	
Mr. Munro Ferguson.	
Mr. Jacks.	
Sir John Kinloch.	
Mr. James William Lowther.	
Sir Leonard Lyell.	
Mr. M'Ewan.	
Mr. M'Leod	
Mr. Napier.	
Mr. Paul.	
Mr. Provand.	
Mr. Robertson.	
Mr. T. W. Russell.	
Mr. Thomas Shaw.	
Captain Sinclair.	
Mr. Harry Smith.	
Sir George Trevelyan.	
Mr. Robert Wallace.	
Mr. Wason.	
Mr. G. A. L. Whitelaw.	
Mr. Shiress Will.	
Mr. Stephen Williamson.	
Mr. John Wilson (*Lanark*).	

[Adjourned till Monday next, at Twelve o'clock.

Monday, 24th June 1895.

MEMBERS PRESENT:

SIR JAMES STANSFELD in the Chair.

The Lord Advocate.	Mr. M'Ewan.
Mr. Attorney-General.	Mr. Lewis M'Iver.
Commander Bethell.	Mr. John M'Leod.
Mr. Birkmyre.	Mr. W. J. Maxwell.
Mr. Buchanan.	Mr. Andrew Graham Murray.
Mr. Caldwell.	Mr. Paul.
Sir Charles Cameron.	Sir Charles Pearson.
Mr. J. A. Campbell.	Mr. Provand.
Sir James Carmichael.	Mr. Renshaw.
Mr. Cochrane.	Mr. Ritchie.
Mr. Donald Crawford.	Mr. Robertson.
Sir Charles Dalrymple.	Mr. T. W. Russell.
Mr. Dalziel.	Mr. Thomas Shaw.
Major Darwin.	Mr. Harry Smith.
Dr. Farquharson.	Mr. Parker Smith.
Mr. R. C. Munro Ferguson.	Mr. Tennant.
Sir James Ferguson.	Sir George Trevelyan.
Mr. Haldane.	Mr Wason.
Captain Hope.	Sir William Wedderburn.
Mr. Hozier.	Mr. G. A. Whitelaw.
Mr. W. Jacks.	Mr. W. Whitelaw.
Mr. Jeffreys.	Mr. J. Shiress Will.
Sir Donald Macfarlane.	Mr. John Wilson (*Lanark*).

Clause 4.—Another Amendment proposed, in page 2, line 28, to leave out the word "seven," and insert the word "ten"—(Mr. *William Whitelaw*).—Question, That the word "seven" stand part of the clause,—put, and *negatived.*

Question, That the word "ten" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 2, line 28, to leave out the word "three," and insert the word "five"—(Mr. *William Whitelaw*).—Question, That the word "three" stand part of the clause,—put, and *negatived.*

Question, That the word "five" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 2, line 42, after the word "jury," to insert the words "Provided that in an inquiry into the death of a person under this Act, neither the employer or employers of such person, nor any person or persons engaged under the same employers as such person, shall be jurors"—(Mr. *William Whitelaw*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 3, line 1, after the word "evidence," to insert the words "speeches of any of the procurators-fiscal or other parties appearing at the inquiry in terms of the provisions of this Act"—(Mr. *Maxwell*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 3, line 1, after the word "evidence," to insert the words "and the persons appearing thereon if they so desire"—(The *Lord Advocate*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment made.

Another Amendment proposed, in page 3, line 4, after the words "where the," to insert the words "accident and the"—(Sir *Charles Pearson*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 3, line 7, after the word "of," to insert the words "two-thirds of its number at any time after it has been enclosed, or by a majority of"—(Mr. *William Whitelaw*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 3, line 9, to leave out from the words "each juror," to the word "juror," line 11—(Mr. *Maxwell*).—Question proposed, That the words proposed to be left out stand part of the clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, on page 3, line 13, to leave out from the words "and shall," to the word "burgh," line 19—(Mr. *Maxwell*).—Question put, That the words "and shall be recoverable by him from the county council as a charge upon the" stand part of the Clause.—The Committee divided:

Ayes, 27.	Noes, 9.
The Lord Advocate.	Mr. Cochrane.
Mr. Attorney-General.	Mr. Dalziel.
Mr. Caldwell.	Captain Hope.
Sir Charles Cameron.	Mr. Hozier.
Mr. James Campbell.	Mr. M'Iver.
Sir James Carmichael.	Mr. Maxwell.
Sir Charles Dalrymple.	Mr. Paul.
Major Darwin.	Mr. Harry Smith.
Dr. Farquharson.	Mr. William Whitelaw.
Mr. Munro Ferguson.	
Sir James Fergusson.	
Mr. Haldane.	
Mr. Jacks.	
Mr. Jeffreys.	
Mr. M'Ewan.	
Mr. M'Leod.	
Mr. Murray.	
Sir Charles Pearson.	
Mr. Renshaw.	
Mr. T. W. Russell.	
Mr. Thomas Shaw.	
Mr. Parker Smith.	
Sir George Trevelyan.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. G. A. L. Whitelaw.	
Mr. J. Shiress Will.	

Another Amendment proposed, in page 3, line 14, to leave out the words "general purposes rate," and insert the words "county general assessment"—(Mr. *Renshaw*).—Question proposed, that the words "general purposes rate" stand part of the Clause.—Amendment, by leave, *withdrawn*.

Other Amendments made.

Another Amendment proposed, in page 3, line 24, at the end of the Clause to add the words "If the jury fail to return a verdict within three hours it may be discharged, and the case transmitted to the Crown agent"—(Mr. *Parker Smith*).—Question proposed, That those words be there added.—Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 5.—Amendment proposed, in page 3, line 27, to leave out the words "stated in open court, and"—(Mr. *Parker Smith*).—Question proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 4, line 1, to leave out from the words "and to" to the word "and" in line 2, and insert the words "or the nearest known relative"—(Mr. *Parker Smith*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to*.

An Amendment made.

Another Amendment proposed, in page 4, line 6, to leave out the words "as also to any person or persons engaged under the same employer as such person"—(Mr. *Parker Smith*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to*.

Another Amendment proposed in page 4, line 16, after the word "court," to insert the words "provided that the examination of any person as a witness or haver at such inquiry shall not be a bar to criminal proceedings being afterwards taken against such person"—(Sir *Charles Pearson*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 4, line 16, after the word "person" at the end of the last Amendment, to insert the words "Provided further, that no witness at such inquiry shall be compellable to answer any question tending to show that he is guilty of any crime or offence"—(Sir *Charles Pearson*).—Question, that those words be there inserted,—put, and *agreed to*.

Another

Another Amendment proposed, in page 4, line 17, to leave out the words "to the dictation," and insert the words "under the control and supervision"—(Sir *Charles Pearson*).—Question, that the words "to the dictation" stand part of the Clause,—put, and *negatived.*

Question, That the words "under the control and supervision" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 4, line 18, to leave out the words "and as he shall direct either at length or"—(Mr. *Maxwell*).—Question, that the words proposed to be left out stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 4, line 21, to leave out the words "The verdict shall be recorded in the sheriff court books, and"—(Sir *Charles Pearson*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 6.—Amendment proposed, in page 4, line 43, to leave out the words, "other than those to which this Act applies"—(Sir *Charles Pearson*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 5, line 4, at the end of the Clause, to add the words "nor shall the verdict returned at an inquiry under this Act be competent to be given in evidence, or to be founded on in any subsequent judicial proceeding, civil or criminal, arising out of the same accident"—(Sir *Charles Pearson*).—Question, That those words be there added,—put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 7, *disagreed to.*

Clause 8.—Amendment proposed, in page 5, line 7, after the word "requires," to insert the words "Industrial employment or occupation shall mean employment or occupation for or in the performance of any manual labour, or the superintendence of any such labour, or the working, management, or superintendence of machinery or other appliances, or animals, used in the prosecution of any work"—(The *Lord Advocate*).—Question proposed, That those words be there inserted.

Amendment proposed to proposed Amendment, after the words "manual labour," to insert the words "or other employment for wages"—(Sir *James Fergusson*).—Question proposed, That those words be there inserted in the proposed Amendment.

Amendment to proposed Amendment, by leave, *withdrawn.*

Question, That the proposed words be there inserted,—put, and *agreed to.*

Clause, as amended, *agreed to.*

Ordered, To Report the Bill, as amended, to the House.

REPORT

FROM THE

STANDING COMMITTEE (SCOTLAND)

ON THE

FATAL ACCIDENTS INQUIRY (SCOTLAND) BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
24 *June* 1895.

[*Price* 2 *d.*]

320. *Under* 2 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

FOOD PRODUCTS ADULTERATION;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
2 *July* 1895.

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363.

Food Products Adulteration.

Ordered,—[*Friday*, 1*st March* 1895]:—That a Select Committee be appointed to inquire into the working of The Margarine Act, 1887, and The Sale of Food and Drugs Act, 1875, and any Acts amending the same, and report whether any, and, if so, what amendments of the Law relating to Adulteration are in their opinion desirable.

That the Committee do consist of Nineteen Members.

Committee nominated of,—

Colonel Bagot.	Mr. Jeffreys.
Mr. Barton.	Mr. Kearley.
Mr. Bolitho.	Mr. Kennedy.
Sir Charles Cameron.	Mr. Kilbride.
Mr. Channing.	Mr. Lambert.
Mr. Colman.	Sir Mark Stewart.
Mr. Colston.	Colonel Warde.
Sir Walter Foster.	Mr. Whiteley.
Mr. Frederick Frye.	Mr. Yerburgh.
Mr. Herbert Gardner.	

That the Committee have power to send for Persons, Papers, and Records.

That Five be the Quorum of the Committee.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the working of "The Margarine Act, 1887," and "The Sale of Food and Drugs Act, 1875," and any Acts amending the same, and report whether any, and, if so, what amendments of the Law relating to ADULTERATION are in their opinion desirable;——HAVE agreed to the following REPORT:—

YOUR Committee have taken further Evidence upon the matters referred to them, but have not had sufficient time to conclude their investigation; they have, therefore, agreed to report the Evidence already taken to the House, and to recommend that a Committee on the same subject should be appointed in the next Parliament.

Your Committee further desire to express their obligation to Mr. Edmund Gosse, Translator to the Board of Trade, for his assistance in having made a translation and *précis* of the laws in foreign countries relating to the Adulteration of Food Products.

2 *July* 1895.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 12*th March* 1895.

MEMBERS PRESENT:

Sir Walter Foster.	Mr. Frederick Frye.
Colonel Bagot.	Mr. Kearley.
Mr. Channing.	Mr. Kilbride.
Sir Charles Cameron.	Mr. Lambert.
Mr. Jeffreys.	Mr. Whiteley.
Mr. Colman.	

Sir WALTER FOSTER was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 19*th March* 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Sir Charles Cameron.	Mr. Kearley.
Mr. Channing.	Mr. Kennedy.
Mr. Colman.	Mr. Kilbride.
Mr. Frederick Frye.	Mr. Lambert.
Mr. Herbert Gardner.	Sir Mark Stewart.
Mr. Jeffreys.	

Room cleared.—The Committee deliberated.

Motion made, and Question, "That the *Chairman* be requested to ask the assistance of the Foreign Office, for the purpose of drawing up, from the materials already collected for the use of the Committee, a précis of the laws of foreign countries relating to the adulteration of food products"—(Mr. *Kearley*),—put, and *agreed to*.

Mr. *John Lovell* was examined.

[Adjourned till To-morrow, at Twelve o'clock.

Wednesday, 20*th March* 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Colonel Bagot.	Mr. Kilbride.
Mr. Channing.	Mr. Whiteley.
Mr. Kennedy.	Sir Mark Stewart.
Mr. Kearley.	

Mr. *R. H. Slater* and Mr. *J. I. Horner* were examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 26th March 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Colonel Bagot.
Sir Charles Cameron.
Mr. Channing.
Mr. Colman.
Mr. Frederick Frye.
Mr. Jeffreys.
Mr. Kearley.
Mr. Kennedy.
Mr. Kilbride.
Mr. Lambert.
Sir Mark Stewart.
Mr. Newdigate.
Mr. Whiteley.

Mr. *Patrick Hickey* and Mr. *Joseph J. Thompson* were examined.

[Adjourned till To-morrow, at Twelve o'clock.

Wednesday, 27th March 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Sir Charles Cameron.
Mr. Kearley.
Mr. Newdigate.
Colonel Bagot.
Sir Mark Stewart.
Mr. Colman.
Mr. Frederick Frye.
Mr. Kilbride.
Mr. Kennedy.
Mr. Lambert.
Mr. Whiteley.

In the absence of Sir Walter Foster, Sir MARK STEWART took the Chair.

Mr. *James Hudson* and Mr. *Harold Faber* were examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 2nd April 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Colonel Bagot.
Mr. Colman.
Mr. Kennedy.
Mr. Kilbride.
Sir Mark Stewart.
Mr. Newdigate.
Mr. Whiteley.
Mr. Herbert Gardner.

Mr. *W. L. Stokes*, Mr. *Robert Gibson*, and Mr. *Robert Hickey*, were examined.

[Adjourned till To-morrow, at Twelve o'clock.

Wednesday, 3rd April 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Colonel Bagot.	Mr. Dunbar Barton.
Mr. Kilbride.	Sir Mark Stewart.
Mr. Kearley.	Mr. Colman.
Mr. Newdigate.	Mr. Whiteley.

In the absence of Sir Walter Foster, Sir MARK STEWART took the Chair.

Mr. *Christopher Dunn*, Alderman *Henry Dale*, Mr. *William O'Sullivan*, and Mr. ***Thomas Clement***, were examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 9th April 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Sir Mark Stewart.	Colonel Bagot.
Mr. Channing.	Mr. Lambert.
Mr. Colman.	Mr. Whiteley.
Mr. Jeffreys.	Sir Charles Cameron.

Mr. *James Hamilton*, Mr. *Henry Vandenbergh*, and Mr. *Robert MacCullum*, were examined.

[Adjourned till Tuesday, 30th April, at Twelve o'clock.

Tuesday, 30th April 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Mr. Kearley.	Mr. Kilbride.
Mr. Newdigate.	Mr. Frederick Frye.
Mr. Colman.	Mr. Kennedy.

Mr. *T. P. Sing*, Mr. *J. R. Webb*, and Mr. *Cecil Rowson*, were examined.

Adjourned till To-morrow, at Twelve o'clock.

Wednesday, 1st May 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Mr. Newdigate.	Mr. Frederick Frye.
Mr. Colman.	Mr. Herbert Gardner.
Mr. Kilbride.	

Mr. *George Watson* was examined.

Room cleared.—The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 7th May 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Colonel Bagot.	Mr. Lambert.
Mr. Newdigate.	Mr. Kilbride.
Mr. Colman.	Mr. Colston.
Sir Mark Stewart.	Mr. Bolitho.
Colonel Warde.	

Mr. *Henry Trengrouse*, Mr. *Henry Lane*, and Mr. *John Harris*, were examined.

[Adjourned till To-morrow, at Twelve o'clock.

Wednesday, 8th May 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Colonel Bagot.	Mr. Newdigate.
Mr. Colman.	Sir Mark Stewart.
Mr. Colston.	Mr. Whiteley.
Mr. Frederick Frye.	Mr. Yerburgh.
Mr. Kilbride.	

Mr. *Alexander Osborne*, Mr. *J. S. Fry*, and Mr. *H. Epps*, were examined.

[Adjourned till Wednesday next, at Twelve o'clock.

Wednesday, 15th May 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Sir Mark Stewart.	Mr. Kearley.
Mr. Colman.	Sir Charles Cameron.
Mr. Yerburgh.	Mr. Kilbride.
Mr. Bolitho.	Colonel Warde.
Mr. Frederick Frye.	

Mr. *James Hudson* was further examined.

Mr. *Nicholas Kilvert*, Mr. *I. D. Irven*, and Mr. *Alexander Leckie*, were examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 21st May 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Mr. Channing.	Mr. Kennedy.
Mr. Colman.	Mr. Lambert.
Mr. Bolitho.	Mr. Yerburgh.
Mr. Jeffreys.	Mr. Kearley.
Mr. Kilbride.	Mr. Frederick Frye.

Mr. *F. G. Ivey*, Mr. *J. C. Sanderson*, and Mr. *J. I. Rogers*, were examined.

[Adjourned till To-morrow, at Twelve o'clock.

Wednesday, 22*nd May* 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Sir Charles Cameron.	Mr. Kilbride.
Mr. Kearley.	Mr. Colman.
Colonel Bagot.	Mr. Whiteley.
Mr. Frederick Frye.	

Mr. *J. Innes Rogers* was further examined.

Mr. *J. C. Forster*, Mr. *D. R. Harvest*, Mr. *Charles Venney*, and Mr. *J. C. Preston*, were examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 28*th May* 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Mr. Colman.	Mr. Frederick Frye.
Mr. Whiteley.	Mr. Newdigate.

Mr. *Robert Haselwood*, Sir *William Spink*, and Mr. *J. C. Goode*, were examined.

[Adjourned till Wednesday, 12th June, at Twelve o'clock.

Wednesday, 12*th June* 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Sir Mark Stewart.	Colonel Bagot.
Mr. Colman.	Mr. Frederick Frye.

In the absence of Sir Walter Foster, Sir MARK STEWART took the Chair.

Mr. *John Williams*, Mr. *William Jennings*, Mr. *A. M. Dunlop*, and Mr. *Arthur Giles*, were examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 18*th June* 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Mr. Yerburgh.	Mr. Lambert.
Mr. Colston.	Mr. Newdigate.
Mr. Bolitho.	

Mr. *R. A. Robinson*, Mr. *Hartley Wilson*, and Mr. *Nevile Lubbock*, were examined.

[Adjourned till To-morrow, at Twelve o'clock.

Wednesday, 19*th June* 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Mr. Bolitho.	Mr. Channing.
Mr. Newdigate.	Sir Mark Stewart.
Mr. Yerburgh.	Sir Charles Cameron.
Mr. Dunbar Barton.	Mr. Jeffreys.
Colonel Warde.	

In the absence of Sir Walter Foster, Sir CHARLES CAMERON took the Chair.

Mr. *Alan de Tatton Egerton* (a Member of the House), Mr. *A. W. Blyth*, and Mr. *Stokes*, were examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 2*nd July* 1895.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Mr. Yerburgh.	Mr. Frederick Frye.
Colonel Bagot.	Mr. Colman.
Mr. Kilbride.	Mr. Kennedy.

DRAFT REPORT, proposed by the *Chairman*, read the first time, as follows:—

"YOUR Committee have taken further Evidence upon the matters referred to them, but have not had sufficient time to conclude their investigation; they have, therefore, agreed to report the Evidence already taken to the House, and to recommend that a Committee on the same subject should be appointed in the next Parliament.

"Your Committee further desire to express their obligation to Mr. Edmund Gosse, Translator to the Board of Trade, for his assistance in having made a translation and précis of the laws in foreign countries relating to the Adulteration of Food Products."

DRAFT REPORT, proposed by the *Chairman*, read a second time, and *agreed to*.

Question, That this Report be the Report of the Committee to the House,—put, and *agreed to*

Ordered, To Report, together with the Minutes of Evidence and an Appendix.

EXPENSES OF WITNESSES.

NAME OF WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Allowance during Absence from Home.	Expenses of Journey to London and Back.	Total Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. Patrick Hickey -	Butter Merchant - - -	Manchester - -	2	2 2 –	2 10 –	4 12 –
Mr. J. J. Thompson -	- - ditto - - -	- ditto - -	2	2 2 –	2 10 –	4 12 –
Mr. Robert Gibson -	- - ditto - - -	Limerick - -	3	3 3 –	5 11 –	8 14 –
Mr. W. L. Stokes - -	- - ditto - - -	- ditto - -	3	3 3 –	5 11 –	8 14
Mr. William O'Sullivan	- - ditto - - -	Cork - - -	4	4 4 –	5 16 –	10 – –
Alderman Henry Dale -	- - ditto - - -	Cork - - -	4	4 4 –	5 16 –	10 – –
Mr. Thomas Clement -	- - ditto - - -	Glasgow - - -	1	1 1 –	—	1 1 –
Mr. Cecil Rowson -	Cheese Broker - - -	Liverpool - -	2	2 2 –	3 3 –	5 5 –
Mr. Alex. Osborne -	Merchant - - - -	Glasgow - - -	3	2 5 –	2 17 –	5 2 –
Mr. John Williams -	Gentleman - - - -	Didsbury - -	2	2 2 –	2 14 –	4 16 –
Mr. William Jennings -	Grocer - - - - -	Bristol - - -	2	1 10 –	1 4 –	2 14 –
Sir William Spink -	Gentleman - - - -	Portsmouth - -	1	1 1 –	1 5 –	2 6 –
Mr. A. M. Dunlop -	Grocer - - - - -	Glasgow - - -	3	2 5 –	2 16 –	5 1 –
Mr. Hartley Wilson -	Merchant - - - -	Liverpool - -	2	2 2 –	3 3 –	5 5 –
Mr. John Sumner -	Sanitary Inspector - -	Wigan - - -	2	2 2 –	2 19 3	5 1 3
				Total - - - £.		83 3 3

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MINUTES OF EVIDENCE.

Tuesday, 19*th March* 1895.

MEMBERS PRESENT:

Sir Charles Cameron.
Mr. Channing.
Mr. Colman.
Sir Walter Foster.
Mr. Frederick Frye.
Mr. Herbert Gardner.
Mr. Jeffreys.
Mr. Kearley.
Mr. Kennedy.
Mr. Kilbride.
Mr. Lambert.
Sir Mark Stewart.
Mr. Whiteley.
Mr. Yerburgh.

SIR WALTER FOSTER, IN THE CHAIR.

Mr. JOHN CAREY LOVELL, called in; and Examined.

Mr. *Kearley.*

1. YOU are a partner in the firm of Lovell and Christmas, butter importers, of London and Manchester?—I am.

2. And you appear here as the representative of the trade section of the London Chamber of Commerce?—Yes.

3. And also the London Butter Association?—Yes.

4 Those being two bodies which are interested in the questions before the Committee?—Yes. This document (*handing in the same*) will show the resolution that was arrived at by the London Chamber of Commerce, appointing certain witnesses, of whom I am one; it is an extract from the Minutes.

Chairman.

5. You had better read it, I think, please, if you wish it put in?—"26th June 1894. Moved by Mr. J. Innes Rogers, seconded by Mr. Charles Umney, and adopted at a meeting of the London Chamber of Commerce: 'That the London Chamber of Commerce strongly disapproving of adulteration in all its forms, hereby appoints a special committee to prepare evidence to be placed before the Parliamentary Committee now sitting upon this subject; this committee of the Chamber to collect evidence from the various trades sections, and to consider any suggestions they may make.' Resolved, at a special meeting of Provision Section of the London Chamber of Commerce, held on the 4th July 1894: '(1) That the Provision Trade Section of the London Chamber of Commerce, whilst not wishing in any way to interfere with the honest sale of margarine, is aware that margarine, and particularly margarine mixed with butter, is largely sold to the public as butter. The section is therefore of opinion that further legislation is necessary for the purpose of checking these frauds, which cause immense injury to honest traders and to the butter industry of this and other countries. (2.) That this section recommends to the general committee the appointment of the following witnesses to represent the butter interest: Messrs. Ling, Polenghi, Lovell, Hudson, and Denny.—Extract from minutes of executive committee meeting of Chamber of Commerce held on the 25th July 1894. 'The names of the various witnesses suggested by the various branches of the trade were reported, and the addition was made of the names of Messrs. McCallum and Van der Bergh to represent the margarine interests.'"

Chairman—continued.

Mr. *Kearley.*

6. And you appear to-day in pursuance of those resolutions?—I do.

7. But in addition to that, you have had, have you not, a long experience in the provision trade extending for over 40 years?—Yes.

8. And your experience extends not only to butter but to margarine, cheese, and other dairy products?—It is so.

9. You are agent, I believe, for the firm of Bretel Frères of Normandy?—I have been so from the first.

Mr. *Kearley*—continued.

10. Who are probably the largest French butter shippers that there are?—They are said to be so.

11. And you also represent Irish exporters of butter, I understand?—Yes, William Warner of Bantry, and James Robertson of Strabane.

12. Those men have factories, I understand?—Yes, they have.

13. And the butter which you import from them is butter collected by them from the farmers round the neighbourhood, which they take to the factory and prepare for the market?—Exactly in the same way as the French butter is prepared; it is purchased from the farmers direct, assorted according to quality, and sent on in different packages.

14. I think it may be a matter of interest if I ask you now just to briefly describe the principle of the manufacture employed in France; and as you have said that the same principle prevails in Ireland, your explanation would cover that point, because there is a separate system of the separators. Will you, therefore, describe the centrifugal process, as in contradistinction to the creamery principle?—The butter sent by Messrs. Bretel Frères is not manufactured by them; it is made by the farmers and purchased from them. The butter shipped to this country by Bretel Frères is made individually by the farmers who produce the butter; then Bretel Frères buy it and select it according to the various qualities, and make it up into the various packages in which we sell it in London. That is the same system as is pursued by Warner at Bantry, and also by Robertson at Strabane. The separator system is a very different thing altogether. The milk is there brought in by the farmers to the creamery, and the cream is separated by the separators, and churned into butter.

Mr. *Herbert Gardner.*

15. What is the French butter sold as?—It is the finest butter sold in the markets.

16. What is it known as?—Brittany butter or Normandy butter; we call it commonly "B.F.;" it is known very much in the world as B. F.

Mr. *Kearley.*

17. That is Bretel Frères?—Yes.

Mr. *Lambert.*

18. Why do you say it is the best butter in the market?—Custom has shown it to be so; it holds the highest price. I wish to say that we have opponents to Bretel Frères in the trade, named Lepellitier, whose butter is treated in a similar way, and which is, on the average, I suppose, of the same quality.

Mr. *Kearley.*

19. Can you give us a rough idea of the quantity of French butter imported into England?—No, I could not.

20. Could you give us any rough idea of the amount of Normandy butter?—Normandy butter, I should say, from 300 to 400 tons per week. Normandy and Britanny butters are synonymous; they are adjoining countries.

21. I take it that you do not include under the term "Normandy butter" all butters shipped from France?—I was taking the imports of butter that would come in from the Normandy ports in giving a rough idea of how much of that there would be.

22. There would be a great deal coming in from Rennes *viâ* St. Malo, and from St. Nazaire, would there not?—Yes, but it would come in through Normandy, a great deal of it.

23. In addition to these import agencies, your firm are shippers of butter also from Denmark, Sweden, Russia, Holland, Belgium, France, and Italy?—Yes.

24. And also from the Colonies?—Yes, largely from the Colonies of late years.

25. You are sole agent for the New Zealand Dairy Association, I believe?—Yes.

26. And the Crown Dairy Association, New Plymouth, New Zealand?—Yes, that is so.

27. And also for many large cheese factories in New Zealand?—Yes.

28. Then you have agencies also for margarine manufactories, I think?—Yes, I represent Messrs. Anton Jurgan's, of Oss, Holland.

29. Is he one of the largest margarine manufacturers?—I believe one of the largest; certainly one of the first in the trade; I do not know about his being absolutely first, but he is certainly one of the first, and one of the best known.

30. You have given evidence on this question before in another form, have you not?—Yes.

31. I believe you gave evidence before the Select Committee in 1887 on the Butter Substitutes Bill?—Yes.

32. And I think you also gave evidence before the Select Committee on the Merchandise Marks Act, 1890?—Yes.

33. In the course of your experience in dealing with butters, and in importing butters from all parts of the world, have you found that a great amount of adulteration exists?—I have.

34. Have you found it necessary to take steps to protect yourselves?—Yes.

35. Would you mind telling the Committee what steps you have deemed it necessary to take?—From time to time we have found large quantities of adulterated butter coming from France. At one time we were moving, through the Home and Foreign Produce Exchange, to endeavour to get action on the part of the Government here and the French Government. We succeeded in getting numerous prosecutions in France, and to a very great extent we were successful in stopping the frauds; and now lately there has been an association formed of the London butter merchants in order to take up this question. I think you will find that later on in my evidence.

36. Whilst objecting to adulteration are you an opponent of the sale of margarine?—Not in the least.

37. What have you to say about margarine as regards its being a useful article of food?—I consider that it is a most necessary and good article of food, and that the honest sale of it should not be interfered with in any way whatever.

38. What do you mean by the honest sale of it?—I mean the sale of it as margarine; but unfortunately

Mr. *Kearley*—continued.

unfortunately there is a large quantity of it that is sold as butter and as mixtures of margarine and butter; enormous quantities of it come under that head particularly.

Mr. *Frye.*

39. That is the fault of the authorities, of course?—I should take it that it is the fault of the individuals also.

Mr. *Kearley.*

40. Do I clearly understand that, whilst having no hostility to margarine as margarine, you object to its being legal for margarine manufacturers to mix butter with margarine?—I do.

41. Which are sold as what are termed "mixtures," I believe?—Mixtures.

42. Is there a large trade transpiring in that article?—If butter becomes at all high in price, then mixtures are in large demand. When butter is exceedingly cheap, as it is at the present time, then there is less demand for mixtures.

43. Then your objection to the mixing of margarine with butter does not only apply to margarine manufacturers, but applies also to the mixing of butter with margarine by the private retailer, or the wholesale retailer?—I object to it in any form. I consider that it is there that the fraud mostly comes in.

44. Is it your strong conviction that it should be made a penal offence for margarine and butter to be allied by mixture?—Yes; I object to that.

45. Under the Margarine Act, an article which is butter and margarine, a mixture rather, has to be defined as margarine?—It has.

46. It is not clearly defined as a mixture of margarine and butter?—Anything that contains margarine must be described as margarine.

47. Or should be?—It should be, and mixtures are described as margarine. And I might remark that you just now touched upon the point of private individuals making the mixtures themselves; you will find in the Notes of my Evidence that that is done to a very large extent. I take it that that really constitutes a margarine manufactory. If the Act was carried out as it should be with regard to the registration of margarine factories, every one of those men would come under that denomination, because if they mix butter with margarine they manufacture margarine. No one has ever heard of any one being touched on that point.

48. But I think you have made it clear to the Committee now that there is a very large trade going on in the mixture of butter and margarine; and yet that those goods are shipped to this country and described as margarine only?—I think that a great many of the mixtures are brought in here, described as a mixture of margarine and butter.

49. But they are labelled margarine; they are only declared as margarine under the Act?—It is necessary that they should be described as margarine, if they contain any margarine at all. It should be so.

50. You object to the principle of mixing margarine with butter at all?—I object to it entirely. I consider that that is where the great fraud comes in, and where the great injury occurs to the butter trade.

51. With regard to the prosecutions which have taken place for selling adulterated butter, that is, butter mixed with margarine, what have you to say as to the restrictive effect of the penalties that are imposed?—I do not think they are sufficient. I think there are many men who sell margarine and a mixture of margarine and butter who care nothing for the penalties. I have myself personal knowledge of instances in which men have been fined 10*l.*, and you could go the following week and find the same thing going on again, and continuously. A 10*l.* fine to a man who can make 25*l.* a week profit is no object.

52. I believe these men are being prosecuted repeatedly, are they not?—Not as they should be.

53. But on re-prosecution are their fines increased; is there a disposition on the part of magistrates to increase the fines on the second or third offence?—Not as there should be, in my opinion.

54. What is about the maximum fine you have seen imposed?—I do not think I have ever heard of more than 50*l.*

55. And is that quite an exceptional thing?—Quite an exceptional thing; 10*l.* is about it.

56. And on re-conviction would the fines probably be about the same?—Yes.

57. Have you any suggestion to make in the matter of fines?—I suggested before the Committee of 1887 that the fines should be heavier, and that for the third offence the punishment should be imprisonment; and I think it will be found on reference to those Minutes that that was adopted. The Bill went up to the House of Lords I think in that form; but on third reading the Imprisonment Clause was taken out. The contention on that Committee was for the word "Butterine." We who were interested in the trade had always sold the article as butterine; and we contended that that was the proper description. It was adopted by the Committee, and the punishment of imprisonment was included; but it was afterwards altered on third reading; the term "butterine" was altered to "margarine," and the Imprisonment Clause was taken out of the Bill. I have been of opinion from that time to the present that the Bill was nullified by that alteration. I think that the Imprisonment Clause would have settled the question, much in the same way as it did that of bribery at elections.

58. In endeavouring to stop the sale of margarine as butter, you do not suggest, I presume, that the margarine manufacturers benefit by the sale of margarine as butter?—I think it is those who retail it who obtain the greatest benefit; but undoubtedly there is more profit to the manufacturer on mixtures than on ordinary margarine. And whilst I am on that point I should like, if I might, to say that margarine manufacturers prepare a special quality of margarine for those who mix it themselves in this country. It is a special preparation in order to be mixed with butter here by those who possess their own machines.

Mr. *Kearley*—continued.

59. Is that so prepared by the margarine manufacturers?—It is prepared by the margarine manufacturers for that purpose.

60. Do you assume that it is prepared with a knowledge of the purposes for which it is to be applied?—It is done quite openly. These people do not conceal the fact that they make the mixtures themselves. You can see it advertised in the "Grocer." There is no harm on the part of the margarine manufacturer in preparing an article that he is asked to prepare; they sell it as margarine.

61. You say that it is specially prepared; where does the necessity arise for a special preparation; why would not ordinary margarine answer the purpose?—A better texture is required; a different texture.

62. For what purpose?—They require a tougher article, because they are going to work it again with butter.

63. Do you suggest that by this special preparation there is a less possibility of the admixture being detected by analysts?—I think not; I do not think it makes any difference in that respect.

64. Probably you are aware that we have had evidence given here that it is difficult on the part of analysts to detect a small percentage of margarine, or rather a large percentage, up to 10 or 15 per cent., I believe. Do you you share that opinion?—Under 10 per cent. it is exceedingly difficult to detect it.

65. You do not suggest, do you, that this special preparation is more conducive to concealing the fraudulent admixture than ordinary margarine would be?—No, I do not suggest that. It might possibly assist, but not to any great extent. The object of it is to make a better mixture.

66. Now as regards the laws in various countries, as to the prohibition of the mixture of butter and margarine, have you any evidence to offer on them?—I have handed you in a list of convictions that have taken place in France.

67. As regards the laws as to the admixture of margarine and butter, have you any facts to bring before us?—In Germany it is prohibited.

68. It is illegal to mix margarine with butter in Germany, is it?—Yes. They allow the use of milk in the making of margarine, and then, of course, a certain quantity of butter must of necessity be taken up; but I think I am right in stating that the maximum amount allowed is 6 per cent.

69. That is of butter that gets in by reason of milk being used in the churning?—Yes.

70. It would be impossible, of course, to use milk in churning with margarine without taking up some butter?—Yes; and I think the quantity is fixed at 6 per cent., or it was so at one time; and I do not know that there has been any alteration since.

71. Now as regards the sale of margarine, you have a suggestion to make, I believe, that all those that sell it should be licensed?—I have.

72. Would you confine that exclusively to the wholesale people?—No; I would extend it to everyone who dealt in it.

73. Including the manufacturer?—Yes.

Mr. *Kearley*—continued.

74. And the wholesale and retail dealer?—Yes.

75. Everybody, in fact, who dealt in margarine in any shape or form should be licensed to do so?—Yes. There should be no expense in getting the license; it should be free to everybody, and should be exhibited, in my opinion, so that the buyers should know that margarine was sold on the premises.

76. Have you any other reason for suggesting that?—A very strong one.

77. Perhaps you will state it to the Committee?—Because there are numbers of persons in London who are known to buy margarine who never sell it. They buy margarine, or a mixture of margarine and butter, and you never see it in their shops; it is never advertised at all in any way.

78. It is easy, of course, to prove that, because all margarine exposed for sale has to bear a label?—There is plenty of margarine exposed for sale that does not bear a label; but in this particular offence I am speaking of, the margarine or margarine mixtures are purchased by dealers who do not sell margarine at all, but it is delivered to their customers and then the chance of detection on the part of the officer is very remote; he cannot stop a man's cart that is delivering at private residences, or a man that they see carrying it out in a basket. That is one of my strong reasons for objecting to the mixture of margarine and butter altogether.

79. And you think that the licensing of all people who sell margarine would prevent, or tend to prevent, people buying margarine who now buy it?—For that purpose it would. There would be another means of getting at the offence. At present, in order to prove the offence, the margarine must be sold as butter and it must be detected by the inspector. Now if a man buys margarine and does not sell it, and he is not licensed, there is very little chance of detecting him; but there would be if he were licensed. I do not know whether I have made my meaning clear. I say that if he buys margarine and exposes it on his premises by the fact that he is licensed to sell margarine, the public will know that he deals in it; but as it at present stands he might buy margarine and send it out privately to his customers, and there would be no chance for the inspector to detect him.

Chairman.

80. You mean that under the licensing system that you propose a person who had margarine on his premises, without a license to deal in it, would be liable to conviction?—That is so.

Mr. *Kearley.*

81. In the same way as private people who sell spirits are liable to conviction for not having a license?—Yes.

82. With regard to suggestions that have been made as to the colouring of margarine, I understand that in some countries all margarine is bound to be coloured to a certain hue; do you make any suggestions as to that?—I object to it entirely; I think it would be both unjust and unreasonable whilst we have to colour butter

Mr. *Kearley*—continued.

butter at certain times of the year. It is absolutely necessary to do so, because when the cattle are stall-fed you do not get colour in the butter, and when it is perfectly white the public will not take it. In the same way cheese has to be coloured, because in one district of the country people require cheese with a high colour and will not buy it white, whereas in another district they buy it of the natural colour. Whilst, therefore, you are allowing dairy industries to use colouring matter, it would be unjust to withhold it from the others, I think.

83. But you think that the fraud can be circumvented by increasing the penalties, and by other expedients stopping short of colouring the article?—I think so. I think that colouring the article means ruining the trade, and no one, I think, desires to do that; at least I have no wish to do it.

84. Have you had any experience of the working of the Acts dealing with this question?—A great deal.

85. And I think you can offer the Committee some evidence to prove that had those Acts been more vigorously enforced many of these evils might have been checked under the present Acts?—I think that the Customs authorities could have helped us very much. Section 8 of the Margarine Act, 1887, gave them power to take samples in transit, and they never have done so except on information given by persons in the trade. I consider that they have entirely failed to carry out that section in the Act. Applications have been made to them and representations from time to time. The Home and Foreign Produce Exchange sent a committee up to the Board of Trade asking them to put the law in force, and they refused to take any action upon the matter. I was going to put in the correspondence on this subject, which would have proved what I am stating now, but unfortunately I only got my notice to be here on Friday, and those documents which you have seen are now again in the hands of the committee of the Exchange, but they can be produced if required. They refused us entirely to take any action in the matter. Then in order to test the thing information was given to the Customs that butter that was coming in was adulterated. I might say that in 1889 we were getting consignments of Ostend butter, and although we held guarantees of purity on behalf of the shippers and took every precaution in our power, we found that fraud was creeping in, and directly we detected it we went to the Customs and gave information ourselves. I went personally and I said: "Certain butters are coming in here from Belgium that are adulterated. I ask you to put in force Section 8," and there was strong objection. However, I persisted in my course of action, and I said that if I could not get it done at the Customs I should get it mentioned in the House of Commons that I was refused, and at last it was done. I had to give a bond myself although the butters were consigned to me, and I had to get some one else as surety before they would do it; but I managed to get it through in time to stop the consignment of butter, with the result that something like 300*l.* worth of adulterated butter was seized and condemned. The Customs

Mr. *Kearley*—continued.

records will prove this. Later on a similar thing was done through the agency of Mr. Polenghi, an Italian butter merchant. He also had information that adulterated butter was being consigned, and I assisted him to get that matter through. There, again, a large quantity of adulterated butter was seized and confiscated.

86. What was the section under which you went?—Section 8.

87. I understand that you claimed that under that section the Customs have certain powers which, had they exercised them freely, would have prevented much of this butter coming into the country or being circulated in the country, because such butter could have been seized at the port of entry?—Yes.

88. That was the outcome of your information?—Yes.

89. But to achieve that object you first of all had to undergo a severe ordeal in the way of giving security, although the imported butter was consigned to you and your firm gave the information that you believed it to be adulterated?—Yes, that is so.

90. You had, I understand, serious trouble to get the Customs to act in this matter?—Yes; the first thing that I was told was that it had never been done; I said I am quite aware of that, but it is necessary that it should be done now.

Mr. *Frye.*

91. Is this adulteration going on now?—I think at that particular port it is entirely stopped; in fact, the effect of that action was that it was published and known, and that stopped the trade in this Ostend butter altogether, it killed the business. We found that these people were making use of us to cheat our customers and the public, and we took action instantly on that.

Mr. *Kearley.*

92. Would you mind reading the section of the Act to which you have referred?—It is Section 8. I do not suppose it is necessary to read it all. I will take that portion that relates to the Customs: "And it shall be lawful for any officer of Her Majesty's Customs or Inland Revenue, or any medical officer of health, inspector of nuisances, or police constable, authorised under Section 13 of the Sale of Food and Drugs Act, 1875, to procure samples for analysis if he shall have reason to believe that the provisions of this Act are infringed on this behalf, to examine and take samples from any package and ascertain, if necessary, by submitting the same to be analysed, whether an offence against this Act has been committed."

93. That is from the Margarine Act, 1887?—Yes, from the Margarine Act. I believe that it was contemplated at the time that we should obtain assistance from the Customs in the way there set forth.

94. And your contention is, I take it, that if we had more systematic examination at the port of entry the disposition to adulterate, so far as importers are concerned, would be largely diminished?—I think so; I feel convinced of that.

 95. And

Mr. *Kearley*—continued.

95. And from your own practical experience this action that you took tended in itself to kill an illegal traffic that was going on in adulterated butter from Ostend?—It did undoubtedly.

96. Then I understand that Mr. Polenghi, who I believe to be a large shipper of Italian butter, took similar action?—He did.

97. Was that directed against Italian butter?—Yes, that was directed against Italian butter. Mr. Polenghi knew that adulteration was going on in Italy, and he took steps to meet the thing here; he obtained information that certain butter was adulterated, and he went to the Customs and met with the same reception that I met with; he could not get on. Then he came back to me to know what to do, and I went with him to the Customs, and we succeeded in seeing Mr. Howard Payne, and we put the thing through again.

98. As regards the action of inspectors of Local Government bodies, have you any criticisms to offer as to that?—I say that in many districts they do not carry out their duties; they are lax, and one is almost inclined to say that in some places they wink at offences. In other places I think they are defeated, because the people know them, and when they come in to try and buy a sample of butter, they get butter; whereas if the general public went in they would be given margarine. It is not an uncommon thing to hear men say, "Well, we know the inspectors." I have myself been told so by men in the trade that I have known to sell margarine as butter. I have said, "I wonder you are not afraid of being caught," and the reply has been, "Oh, well, our inspector is all right."

99. What do you suggest by that?—I say that these men, even if they are honest and desirous of doing their duties, are handicapped; they are clothed in a uniform which tells at once the object for which they go into a shop, and it is defeated.

100. Are you not suggesting something further than that?—I suggest that travelling inspectors that are not known in the district should take this matter up. Our association, the butter association, I believe, in a Petition they will send up to you, suggest that the power of appointing inspectors should be taken from the parish authorities and vested in the hands of the County Council. I do not know that I am exactly authorised to make that statement, but I believe that something of the kind will be sent in to you. I may say further that one of the arguments used is that the County Council have carried out that business very well with regard to the coal trade, and they think it would be an advantage if the same duty were placed in their hands with regard to the detection of adulteration in this matter.

Chairman.

101. Are you referring to London now?—Yes, I am referring to London. I am representing London in this matter of the butter merchants, you see.

Mr. *Kearley.*

102. You think that travelling inspectors would tend to secure a more efficient working of the Act?—I feel confident of it; because they could be transferred from place to place, and they would not be known as the local inspector' is known.

103. Do you suggest (I rather thought you did) that some of these inspectors are corrupt?—Well, you see, that is a sweeping assertion to make, and I am not prepared at the moment to prove any individual case; but I have not any doubt of it in my own mind. I can instance a case in point that I think will show you what happens. A very well-known man in the trade had a number of shops in London; he took a fresh establishment, bought an establishment in a new neighbourhood, and when he was taking over the stock he found there margarine. He did not sell margarine himself, and he said, "What is this for?" "Oh," he was told, "we sell that as shilling butter." Then he said, "I do not; I am not going to sell it. I will not have anything to do with it." Then the man who managed the shop said, "It is throwing money away not to do so. Our inspector is all right." He would not sell it, and he sold shilling butter. After he had been in the neighbourhood a short time, he found that all his neighbours were selling margarine as butter, and he alone was selling butter. He got samples and tested them, and then he called upon the inspectors and said, "Why do not you see to these matters?" And the answer was, "You mind your business and leave other people alone, and nobody will interfere with you."

104. That witness could be called before the Committee, if necessary, I presume?—Yes, I think you know who he is.

Mr. *Frye.*

105. I suppose the attention of the local authority was called to this case?—The attention of the inspector was called to it.

106. Not the local authorities?—That I cannot say. But you must remember that there is another danger with regard to the local authorities, and that is that a great many of the people who constitute the local authorities are themselves tradesmen in the district.

107. But they are not all in the margarine trade?—No, not all; but they are in other trades where adulteration is carried on also.

Mr. *Kearley.*

108. Going back to the question of inspection at the port of entry, it would be necessary, would it not, for the Customs to have an analytical staff to test the purity of the butter?—They have a staff.

109. But I think we all understand that it is impossible to analyse a sample of butter in a few moments; so that it would necessitate a shipment being detained at the port of entry, would it not, unless there was some system of releasing the goods which were being tested?—The analyst whom we employ does the thing in a few hours; if we sent him a sample this afternoon we should get the result to-morrow morning. But I have always suggested, and held, that there is no difficulty in that respect. If the Customs tested goods in transit, and found they were adulterated, they would have a right to suspect

Mr. *Kearley*—continued.

suspect that the next shipment would be the same, and then they could stop that shipment, and they would be justified in stopping that shipment for analysis. If the consignee insisted that the shipment of butter was pure, let him give a bond for the value of the butter, and take it away, and then there would be no delay. That could be executed, as I had to execute a bond at the Customs, in the course of an hour. I had only an hour before closing to get my bond and surety and everything. And I think that would meet the case. There would be no delay and no injury. If the butter was pronounced to be pure there would be an end of that; if it was pronounced to be adulterated there is his bond.

110. Now, as regards the various modes of fraud, can you give us any suggestions as to how those could be diminished by legislation? For instance, I think you hold strong views as to the undesirability of margarine coming to this country in butter packages?—Yes, I object entirely to margarine, or mixtures, being packed in every known butter package. I say that the public are not concerned in the package; they do not eat the package; it is sold out to them retail; and that the system of copying the butter packages of every country is done simply to assist retailers in deceiving the public. I will hand in a list which shows the difference in cost between the ordinary wooden package and the difference if it is packed in, say, French baskets, or kegs, or crocks. It adds to the cost of this mixture or margarine very much indeed; and it is no benefit to the consumer, but it assists the dishonest retailer in deceiving the public, by packing margarine or mixture in the known butter packages of all countries. I will hand you in a list which shows the various forms of packages which are advertised; and I would draw particular attention to one thing. You will see Danish casks, Irish casks, American pails, kiels, cools, tubs, round baskets, square baskets, pyramid boxes, crocks, oblong boxes, rolls in various cases, rolls, prints, crocks, Irish lumps, and 14-lb. packages, &c. Now, there is one thing in particular to which I wish to draw the attention of the Committee. In the north of Ireland there are a lot of small manufacturers or butter makers; farmers, who bring their butter in in the original lumps, as they call them, and they are packed up in boxes of odd sizes, odd shapes, and odd quantities; and that butter is very much sold in the north. Even that package is copied by the margarine people.

Mr. *Frye.*

111. They have exhausted the whole lot then?—They have exhausted the whole lot. Every known package there is that can represent butter is imitated in that way; it is utterly impossible for the consumer to know it. You might see a box of this mixture of margarine that is made up in this form alongside a box of Irish lumps, and you could not tell which was which.

112. But they are branded, are they not, "Margarine"?—The outside of the case is branded.

113. And you suggest another package?—I suggest that margarine can very well be confined to one package; it is so in Denmark; and a package that should be known.

Mr. *Frye*—continued.

Mr. *Kearley.*

114. What package do you suggest?—I suggest boxes, as being the cheapest form. If packed in crocks the extra cost is something like, in small crocks, 4*s.* to 5*s.* per cwt. over the price of boxes. I have a list here, given me by a manufacturer, showing the different prices. I should like to hand it in to the Committee (*handing in the same*).

115. That is a list of the different prices of butter packages that these margarine manufacturers use?—Yes.

116. What is a crock?—It is a crock inside a basket.

117. An earthenware vessel inside a basket?—Yes.

118. The point which you make, I understand, is that it pays the margarine manufacturers to pack their goods even in very expensive packages?—They get a higher price from retailers here for it on account of that package bearing a resemblance to butter packages; and I take it that that is the sole object for which it is done.

119. And you advocate margarine being packed and shipped in a package of uniform shape and material?—I take it that it should be packed in a wooden package, so that it could be properly branded. There is another point in the Act that I want to draw attention to, where the Customs have failed in their duty. The Act states that all packages shall be "branded or durably marked." Now, it is perfectly well known to many people that lots of packages come in, such as baskets, that bear a tin label with the word "Margarine" on it, or sometimes a cloth or paper label, or parchment. Those can be taken off with the fingers, and then you have a butter package without anything on it at all. I have myself seen in a warehouse the labels lying about on the floor that have been taken off these packages.

120. Which have been shipped as margarine?—Shipped as margarine, and then the label is taken off, and you have a butter package.

121. And that is possible, simply because the label or description was not indelibly marked on the package?—Simply because the label or description was not indelibly marked on the package. If it is a wooden package you can brand it in, so that if that brand is removed it shows at once that the package has been tampered with; but if you cut this label or bit of tin off it is a butter package pure and simple. I suggest that the Customs have not complied with the Act in passing those packages, because a label that can be removed in that simple manner is not indelibly marking. You will notice that Section 6 says that every package "shall be branded or durably marked." That is not durably marked.

122. I think you have some figures to show the advantage that accrues by mixing even a limited proportion of margarine with butter, say from to 10 or 15 per cent.?—Yes.

123. Can you give us those figures?—If 10 per cent. of margarine is added to butter when

Mr. *Kearley*—continued.

the cost of butter is 120*s.* per cwt., the actual cost is reduced to 113*s.*, and that would enable a dealer in France to put butter on the London market at less than the cost that was paid for the pure butter on the Normandy market, and still have a profit sufficient to cover all his expenses and the expenses of his agent, also, rendering it impossible for a pure-butter merchant, who did not adulterate at all, to compete with it. That is a thing that has happened over and over again. We have detected it, and convictions have been obtained in France for that kind of fraud. I have worked out figures on the statement that I have put in which shows the various prices and the difference that results, but as much as 30 per cent. has been found in some French butters in those very instances where I report convictions.

124. You have the details, I think, of several convictions that have taken place in France?—There are many, but these are only a sample.

125. Do I understand that you were instrumental in obtaining convictions?—I was instrumental in giving information after obtaining samples of these various butters here. Having them analysed and finding them adulterated we have communicated the information abroad, and have succeeded in getting the article stopped by the French Government there, when we could not get any assistance from our Customs here.

126. Notwithstanding the fact that you had intimated to the Customs that these butters were coming along adulterated you got no redress, except in the case that you mentioned previously, but you were obliged to resort to instructing the French Government as to what was going on on the other side?—Yes, we gave it up in England as being hopeless. The record of the exchange will show that they were repeatedly written to on the subject, and would not take it up; and the Board of Trade refused to interfere in the matter, they said they could not do it.

Mr. *Channing.*

127. Have there been no similar convictions in England then?—Not of this kind. In France we get imprisonment.

Chairman.

128. You had better read those cases?—If you please.

Mr. *Kearley.*

129. These I understand are convictions of shippers, in France, who were known to be shipping adulterated butter?—That is so. At times we have spent considerable sums of money in tracing this matter home to these people in France, and I am only giving you two or three, as samples of convictions by the French Government: (1.) At the Tribunal Correctionnel at Caen: Clerisse, two months' imprisonment, and a fine of 2,000 francs. (2.) At the Tribunal Correctionnel at Lisieux: Pissot, three months' imprisonment, and a fine of 3,000 francs, with confiscation of the adulterated butter, worth about 20,000 francs. Upon appeal made by this man, at Caen, the punishment was increased to four months' imprisonment, and a fine of 4,000 francs, together with confiscation, and the

Mr. *Kearley*—continued.

publication of the judgment in 40 journals. (3.) Charpentier, of Sees, at the Tribunal of Argentan, two months' imprisonment and a fine of 2,000 francs. (4.) Anatolie, near Bayeux (at the Tribunal of Bayeux), three months' imprisonment and a fine of 2,000 francs. (5.) Vitard, of Croisilles, Harcourt, upon the information of Messrs. Nurdin and Peacock, two months' imprisonment, and a fine of 2,000 francs. (6.) 1893, Pissot (2nd time), (the same man who had had his punishment doubled.) At the Tribunal of Lisieux, eight months' imprisonment, and a fine of 4,000 francs. (7.) Levegoureux, of Medizou, at the Tribunal Correctionnel of Cherbourg, three months' imprisonment, and a fine of 2,000 francs. This man appealed at Caen, when his term of imprisonment was increased by one month, making four months, and a fine of 3,000 francs, which was confirmed by the Court of Cessation in Paris. The whole of these convictions have been published in all the journals of the country, at the expense of the parties convicted; and I say that similar convictions in this country should also be published; I think that would have a very deterrent effect.

Mr. *Frye.*

130. Did you stop the frauds in France?—Nearly all these people are practically wiped out; they disappear after these things. This man Pissot was carrying on a large business, and was selling butter here at prices that no butter merchant could buy it at.

Mr. *Kearley.*

131. But your main point I gather is that all these frauds could have been detected by the Customs here had they carried out the Act?—They could have stopped the butter here.

132. Now to protect yourselves; I believe it has been found necessary to form an association called the London Butter Association; that is as regards the illegal sale of adulterated butter in shops in London and the provinces?—And the sale of margarine contrary to the Act; that is to say, sale of margarine as butter, or the sale of margarine without complying with the Act; because margarine is very often sold without a label being placed on the article in the shop, and without putting it in a paper, as prescribed by the Act.

133. You started this association to protect yourselves, I think?—I may say that the principal butter importers have felt themselves very much injured, and their shippers also, as well as the public in this matter; so they formed an association, and we subscribed between us, I think, something like 500*l.* We could get no travelling inspectors given us from the Government or the local authorities, and so we appointed our own. We have only been at work for something like a month, I think, and 10 convictions have resulted, and there are 50 summonses now standing waiting to be heard. We know of 70 offences, but where the thing is very trivial we do not proceed in the matter.

134. But you are really undertaking work which, you maintain, ought to be carried out by the local authorities?—Yes.

Mr. *Kearley*—continued.

135. And you exactly know where to go so as to put your hands on people infringing the law?—No, we do not pretend to do that; the butter merchants in this association are not pretending to act as policemen; but we employ inspectors and tell them to go anywhere they like and to detect fraud if they can. They have no instructions from the board at all; they are simply sent out to go anywhere where they think it is likely they may detect fraud; and I believe that that has had a good effect. We have had several singular things occur in this way. We found a man selling margarine as butter in one district who said, "Oh! well, I do not want any left for a sample; I know it is margarine, but I thought the Act was a dead letter;" and the following week the inspector visited that man's shop and caught him again doing exactly the same thing. Although he has got a summons pending he has never altered his course of business.

136. Because it pays, I imagine?—It pays at times, greatly.

137. The cure for that you suggest to be imprisonment?—There is no other cure. You see in France they do not hesitate to inflict imprisonment.

138. I think you have had experience of a new form of fraud that has become very prevalent in this country during the last two years, namely, the mixing of margarine with butter by retailers who keep an installation of machinery for that purpose. That is a new fraud, is it not?—I believe it is new in the last two or three years.

139. You might explain that to the Committee?—When I say it is a fraud I say that they manufacture the mixture itself on their premises, and that makes it very much more difficult for the inspector to discover, because they manufacture it in small quantities just as they want it.

Mr. *Frye.*

140. They run just the same risk in selling it, surely?—Yes, but they do not run the risk of a quantity being found on their premises unlabelled, and they can put in more or less, just as they please in the matter. I maintain that these men are manufacturers, and should be treated as such, and they should be registered.

141. They are; they ought to be by law?—But they are not.

142. The local authorities ought to do that?—Well, of course, we do not expect it from the local authorities, and we do not get any assistance from them in reality.

Mr. *Kearley.*

143. Is there a systematic trade going on in the sale of these mixing machines?—Yes; we possess a list of places where a large number of them are in use.

144. Do you suggest that they are simply sold and bought for the purpose of adulterating butter with margarine?—Yes; I can produce a witness before you who can tell you that, if you desire to have it, who has been solicited to purchase a machine, on account of the enormous profits that can be made; and I can also produce a witness, a responsible man, who will tell you that a manufacturer of the mixtures has solicited him to sell the mixtures, and told him, "They are so much like butter that you can sell them with impunity, and, if you are fined, I will pay all expenses."

Mr. *Frye.*

145. But do not your society inform the local authorities where they find these mixtures?—We take the samples to the local authority, and they get the analyst to analyse them.

146. You know there was a case in the south of London in which the local authority had neglected to register a factory, and the man was fined very severely?—Do you mean a retailer with a mixing machine?

147. No, a small wholesale French house, I believe it was?—I do not know; it is possible.

Mr. *Kearley.*

148. Then there is another fraud that is within your knowledge, I believe, namely, that although margarine is taken round in carts and sold to private families, there is no risk of detection there, because it is not an exposure for sale under the present Act?—We have never heard of anything of the kind being detected.

149. Do you suggest that the inspector should be empowered to take samples in the same way as he is enabled to do now from milk churns; that is to say, that he should take samples from carts going round?—That is suggested by some large retailers who, I believe, will be called before you here. It seems to me reasonable. I, of course, in my position, deal more particularly with the retailers themselves, and not with the consumers; but I know of this.

150. You supply the trade?—Yes, my trade is entirely wholesale.

151. To sum up briefly your evidence, what do you say as to the notorious effect of the systematic adulteration to various interests?—I think that the selling of margarine as butter is extremely injurious to the butter industry of every country; and it touches very particularly Irish butter, because it is a low-priced butter. I think that Irish butter suffers as much as that of any country, because, as you know, at the present moment we are selling very good Irish butter at from 74*s.* up to 84*s.* per cwt.; and it is that class of butter that mixtures injure.

Mr. *Frye.*

152. But the public would not like that as well as good margarine, would they?—Yes, they would, if they got the chance; but the vendor would not get so much profit out of it. The one would sell for a penny a pound profit, and for the other he would be getting 4*d.* a pound profit. That is where the mischief comes in.

Mr. *Kearley.*

153. And the lowest retailers are enormously handicapped by this illegal mixture?—Yes, I think they are cruelly injured by it. There are many places to be found where honest men through the past winter have been selling butter at a penny a pound profit, and less than a penny a pound profit, and close by there are others selling a margarine mixture at tenpence,

Mr. *Kearley*—continued.

and making from threepence to fourpence a pound profit on them.

154. Selling it at the same retail price?—Yes.

155. I suppose there is no doubt that the public like this mixture?—Yes.

156. And that the mixture of margarine and butter is a more palatable thing; that is to say, when the retail price is such that when pure butter is sold it would not be of the very best quality, then the mixture of margarine and butter is more palatable to the public at that low retail price than pure butter itself would be?—Certainly.

157. And there is always a demand upon the part of the public for a cheap butter, and that where that demand is administered to by selling a mixture of margarine and butter it gives greater satisfaction to the consumer who buys it as pure butter, but the honest trader who is endeavouring to sell a pure butter at that price gets practically no profit and does not satisfy his consumer at that?—That is so; but you see where the public suffer so is that they pay the price of butter for an article that could very well be sold to them at twopence to threepence a pound less; but they buy it as butter.

158. That is to say, that they not only get an adulterated article, but they get it at the price of butter?—Yes.

Mr. *Frye.*

159. What is about the price of margarine now?—The lowest price that I know of is 28*s.* per cwt.

Mr. *Kearley.*

160. What would be the comparison between the present prices of margarine and butter?—You could get, I suppose, an article at about 60*s.*; from 60*s.* to 64*s.*; that would sell at the same price as a butter you would pay 80*s.* or 84*s.* for. I believe the London County Council's contract at this moment for margarine, for mixture with 20 per cent. of butter, is 60*s.* per cwt. They buy the mixture by tender, and I believe that the price of the contract that is now running is 60*s.* per cwt., and that mixture must contain 20 per cent. of butter.

Mr. *Frye.*

161. Would not that be more palatable really than Irish butter, and 20 per cent. higher price?—No; we are selling fine Irish butter at this moment as low as 80*s.* per cwt.

162. I suppose it would keep better?—Probably it would keep better, but then it is a fraud to sell it as butter. Of course, if the Government and the country sanction the indiscriminate selling of it, then, if we know that we may do that, there is plenty of profit for all of us.

163. The London County Council would not buy it as butter, would they?—No, not the London County Council; but the public have to do so.

Mr. *Kearley.*

164. But the disparity between the prices of butter and margarine is frequently, is it not, more, for instance, than at the present moment, when butter happens to be exceptionally cheap, owing to the glut of colonial produce?—Yes.

165. Therefore, the fraud becomes more remunerative when butter is dear and high, because margarine is not so fluctuating in price as butter?—Yes, and the mixture would fluctuate more by the price of the butter that they use in it than the ordinary article itself would.

166. I have only one last question to ask you. Do you consider that this sale of mixtures of margarine and butter is injurious to the agricultural interests of this country?—It must be, undoubtedly, if it tends to lower the price of butter, and that goes without saying.

Mr. *Frye.*

167. I suppose that all butter imported into this country must affect the agricultural interests of the country?—To a certain extent, but that is not a fraudulent business. It is only the fraud that I object to; I do not object to margarine if it is honestly sold as such.

Mr. *Kearley.*

168. I understand that you are perpetually having samples analysed of the butters consigned to you?—Yes, always. We never sell butter from a new consignor until we have had it analysed; and we are not satisfied with that, but we are continually having it analysed throughout the year from time to time. We retain the services of an analyst, Mr. Otto Hehner, to do it for us.

169. Do you personally examine those analyses?—Yes, they all come before me.

170. Then you can, perhaps, give us a valuable opinion as to the quantity of water that should be permissible in butter?—I should hold the opinion that 16 per cent. is a fair standard. It will not amount to 16 per cent. in certain periods of the year; but when the weather is very warm, or very cold, such as we have had during the last two months, it is impossible to get the water, or rather the buttermilk, out of the butter, and then the standard of water is higher. As a rule, the standard of our Normandy butters is somewhere about 13 per cent., but during such weather as we have had in January and February it would get up to 14, 14½, 15, and even 16 per cent. It cannot be avoided, because the makers are unable to get the moisture out of the butter. And the same thing occurs when it is very warm weather. Anyone who has had to do with making butter knows that you cannot take the moisture out; the more you work it the worse it gets. I may say that I have made butter with my own hands. I am a farmer's son, and have been engaged in this kind of thing all my life. I have actually made the article with my own hands, and I know the difference that occurs in the changes of weather.

171. Do you suggest that taking all those changes into consideration 16 per cent. of water would be sufficient margin?—I think that if there is not more than 16 per cent. no proceedings should be contemplated.

172. But would you make it illegal for butter to carry more than 16 per cent. of water?—I do not know that I should go so far as to say that I would

Mr. *Kearley*—continued.

I would prosecute at 16 per cent.; I think that even then a point should be allowed.

173. Would you fix that point?—My opinion is that it would be perfectly safe to fix it at 17 per cent.

174. Do you advocate the fixing of a point?—I do advocate it, decidedly.

175. Would you have the same point fixed for your Irish butter as for butter coming in from elsewhere?—There comes in the difficulty; according to the nature of the feed there is more or less moisture in the texture of the butter, and Irish butters, as a rule, do have more water in them than our French butters. But then again you have heard me speak of Warner's butters and Robertson's butters, which are worked on the French system, and we have never got over 16 per cent. with them in any instance.

176. But there are a great many butters coming from Ireland of course that are not worked on that principle?—No doubt, and they contain more.

177. Butter, for instance, made by the small farmers?—Yes; much of the ordinary Cork butter that is sent in made into the market, I believe, would contain more.

178. But if you fix a hard and fast limit of 17 per cent. would you make an exception in the case of Irish butter?—There is the difficulty; I can only give you my own experience, and I could give you the analyst's figures, if you please, on that point.

179. But from an experience extending over a great period of time, and dealing with a vast number of samples, is it your deliberate opinion that 17 per cent. could be set up as the standard of water to be permitted in butter?—I think safely.

Sir *Charles Cameron.*

180. You mentioned just now that the Irish butter collected by Mr. Warner came within your standard?—It does.

181. Does he buy it promiscuously, or does he insist upon a farmer working up to this standard before he buys from him?—Not at all; he takes whatever is brought to him, and pays for it according to the relative quality.

182. And that is an inducement to the farmer to give him a minimum amount of water, is it?—No, that is not the point. When I speak of the relative quality, of course if you buy butter from a number of persons in one district it will not be all of one quality; and he buys it at different prices according to the quality, and grades it himself; and then, after he has selected the different qualities, they are machined in the same way that they are in France, and made up.

183. That is a point that you have not told us before?—I mentioned that it was worked on the French principle, and I thought that was understood. It is done on a revolving table.

184. You did not explain that to us even in connection with the French system; you omitted that point, which is most material. Mr. Warner simply buys the butter, I understand, in the raw, and then he manufactures it?—Yes.

185. That is a point which I am glad that I succeeded in extracting. As a matter of fact, do you know from him at all what is the usual percentage of water in Irish butter as he buys it?—I have never had that question raised with him; I could very easily ascertain it by asking him.

186. If you would fill that in, in your proof, I think it is a very important point?—You see we have repeatedly analysed his butter here in this country, and we have the results; and never in any instance has it exceeded 16 per cent., and rarely over 13 or 13½ per cent.

187. Do you buy any Irish butter direct?—We occasionally sell Cork butter.

188. Have you had that analysed?—No, we have not had that analysed, because of late years we have done very little in it.

189. But you stated that you analysed the butter that you got from every consignor, on the first occasion?—Yes, we have had Cork butter analysed, but I could not at this moment from memory speak to any exact quantity of water found in it, because it is not of recent occurrence.

190. You told us, I think, that there was a German law which prohibited the mixture of margarine and butter?—Yes.

191. And you have explained to us that a large amount of fraud occurs in this country, in your opinion, owing to that mixing being permitted; but would it be practicable to prohibit the mixing of margarine and butter here?—I think so. If it is practicable in Germany, why not here?

192. It is not quite practicable. You say that the German law permits mixing up to 6 per cent.?—No, not of butter; but of what may be taken up from the milk.

193. But it permits the admixture of margarine and butter in the compound produced by what the margarine takes from the milk, up to the extent of 6 per cent. of butter?—That is as much as it could take up from the milk in the process.

194. But the plea in favour of margarine is that it is wholesome, and the public like it; and the plea in favour of allowing margarine to be mixed with milk in Germany is that the public like the admixture of a little milky flavour. On what plea would you forbid the public to have an admixture of margarine and butter sold avowedly as such, if they like it?—There is the point, you see; "sold avowedly as such."

195. But the law provides for that; except that the law does not provide for its being called an admixture; it compels it to be stamped as margarine?—No one ever hears of its being sold as a mixture.

196. Because under the law it is compelled to be sold as margarine?—It is known very well by the margarine manufacturers and those interested in the trade. I think (and perhaps you would get that better from them than from me) that a certain quantity of milk is required in making margarine; but the maximum that can be taken up in that is 6 per cent., and that, I think, may be allowed; and then you get a very excellent margarine. And I maintain that with the price of butter so low as it is, and the abundance of butter that there is in the market, the butter industry should not be injured by allowing this mixing.

Sir *Charles Cameron*—continued.

197. That is the point. You say that you consider that the margarine treated with milk makes a very excellent margarine; another man considers that with a small percentage of butter added it makes a very superior thing. Do you not think that there is a good deal to be said in favour of allowing the 50 per cent. man to get his mixture, just as there is in favour of allowing you to get your margarine flavoured with milk?—I consider that the mixing of margarine and butter opens the door to most pernicious fraud. Margarine attaches itself to butter like a parasite, like ivy to a tree, and it would gradually kill the industry if it were not stopped.

198. That is all poetry?—It is a fact.

199. You mention this, and this is the practical point; you mentioned that in your original proposal, concerning which you have given evidence to a former Committee, and in a Bill as drafted, of which you seemed to approve, as it went to the House of Lords, there was an intermediate term of butterine?—Yes, there was.

200. Did that embrace mixtures?—It was a term for anything that contained butter.

201. But my point is this: That under one of the sections of the Margarine Act, every admixture of margarine and butter is called margarine?—Yes.

202. That is to say, it is described by what is, as a matter of fact, a false description?—Yes.

203. You had an intermediate term, butterine, which might fairly describe an admixture of margarine and butter; and then, thirdly, you had butter pure?—Yes.

204. Do you not think it would be an advantage to have an intermediate term?—That was considered to be the proper term at that time, and it had become known in this country and had been sold for years in that way.

205. But then I presume at that time butterine was a term under which pure margarine would have been sold?—Yes, it was so; it was the descriptive term for the whole of the manufacture, because no margarine was made without containing a small proportion of butter.

206. Then you do not think that anything practical would be gained by having the intermediate term, that is to say, "margarine" for margarine pure, or only treat it, as you said, just as is legal in Germany; "butterine" for admixtures of margarine and butter; and "butter" for pure butter?—I think the great point is this: that if you make a margarine which only contains 6 per cent. of butter taken up from the milk, it is very easy to detect and to know it as margarine; but if you once admit the principle of mixing, it becomes a very difficult matter, for the public at any rate, to discern between the two, or for the dealers; it becomes a matter for the analyst.

207. But then, even taking that, it is not the business of the law to punish a trader simply for the purpose of making matters easy for an analyst or a dealer, and you have not, so far as I have seen, laid down any principle upon which you should prohibit what is in itself otherwise a perfectly uninjurious and honest proceeding, namely, the selling of a mixture of margarine and butter avowedly as such a mixture?—I oppose it, because I say it never happens; it is not sold in that form, it is sold as butter, the mixtures are sold as butter. I do not mean to say that it never happens that such a thing is not done; but the great bulk of it is sold as butter.

208. But do you not think that the true remedy then is to enforce the law against the sale of an article as what it is not, and not to prohibit the manufacture of an article simply because it may be fraudulently sold?—The difficulty in this case is much greater even than it is with regard to chicory and coffee. There the thing is sold in a packet, and you can compel a description of the article to be put upon it; but you cannot do so with butter or margarine, because it is put out in small quantities and handed to the consumers, and it is impossible for them to know what they are buying. But when you sell coffee and chicory, and very often 90 per cent. of chicory to 10 per cent. of coffee, it is called chicory and coffee, and the public know what they are buying; but they never would know it in the case of butter and margarine, or mixtures.

209. If you have a mixture of butter and water, as you have at the present moment, a man who sells butter containing a very little amount of water makes a much less profit than a man who sells butter containing a great admixture, does he not?—No, that does not make any difference to him; he sells it as he buys it; he is not the manufacturer.

210. But you have told us that what you called the honest trader was injured when he could only make 1*d.* per lb. profit on account of the man beside him being able to sell at a profit of 3*d.* a lb. a stuff that pleased the purchaser equally well?—Yes.

211. I quite agree with you, so far as you are against the dishonesty of selling an article for what it is not; but would not two different merchants sell the same quality of butter, one at 1*d.* or ½*d.* per lb. dearer than the other?—No, not 1*d.* or ½*d.*; it generally goes in this way with butter: It is 10*d.* or 1*s.*, or 1*s.* 2*d.*, the difference between the prices generally runs in that form. We do not know intermediate prices in London.

212. It comes to this: that you must have butter as a mixed article in any case; it must be mixed with water; it may be mixed with colouring matter, and it may be mixed with salt?—Butter is not mixed with water. The fact is that there is a certain amount of water remaining in it when it is made that no one can get out.

213. You consider that butter is chemically a product containing a certain amount of water?—Yes.

214. It is not chemically a product containing any salt, or a product containing any colouring matter?—No.

215. But it is sold with both these ingredients? Yes.

216. And no description of that admixture is required?—Quite so.

217. On what principle, then, would you prohibit the sale of butter mixed with a perfectly wholesome

Sir *Charles Cameron*—continued.

wholesome article, provided that the mixture was avowed?—To put it plainly, because it lends itself to fraud, and it is very largely taken advantage of to cheat the public.

218. That may be the case with an admixture of water, which can be done away with by better churning and better preparation for it, may it not?—Even so, the one fraud would not justify the other.

219. The one is not considered as a fraud?—Even if it were a fraud, and there was more water left in than should be, I do not see that that in any way justifies the selling of the other.

220. You must not distort what I said into wishing to defend a fraud; what I wished you to break down was my contention that an admixture avowed as an admixture should be allowed to be sold; and rebutting your contention that an admixture avowedly sold as an admixture, should be prohibited?—The objection is on account of the fraudulent purposes to which it is put.

Mr. *Lambert.*

221. I want just to ask you one or two questions on the subject of colouring margarine; what is the natural colour of margarine?—It has a slight yellow colour; it varies a good bit according to the product from which it is made. If there were no colour added it would vary very much.

222. Is it very often coloured to imitate butter?—It is always coloured to imitate butter.

223. Would you prohibit that?—No.

224. Why not?—Because you colour butter.

225. But you do not colour butter to sell as margarine, while you colour margarine to sell as butter?—Yes; but you colour butter when there is no colour in it, in order to bring it up to the natural colour of butter.

226. The natural colour of butter would, of course, be its colour?—No, not what is known as the natural colour of butter.

Chairman.

227. The conventional colour of butter is what you mean?—Yes, that is the better term. I do not know that it is absolutely necessary that it should be coloured, but it is almost necessary that it should be coloured to suit the taste of the public. The public naturally object to a white butter; they will call it lard if it is perfectly white.

Mr. *Lambert.*

228. What do you suggest that margarine is coloured for?—To make it resemble butter.

229. And if it is sold as butter that is a fraud?—Yes, of course.

230. But if butter is coloured that is not a fraud, is it, because it is butter still?—The slight addition of colour does not alter the nature of the thing itself; it is a very small quantity of colour that is put in, and it does not alter the nature of the butter.

231. That is my point; therefore would it not be wise to prohibit margarine being coloured to imitate butter where it conduces to fraud?—If you prohibit the one, I think you should prohibit the other.

Mr. *Lambert*—continued.

232. Why should you prohibit butter being coloured when it would only be sold as butter; whereas margarine is coloured to perpetrate a fraud upon the sale of butter?—But it is not coloured only for that purpose. Margarine sold as margarine is coloured, and properly coloured; it is a more presentable article altogether when it is coloured than it would be if it were white.

233. What is the price which margarine is produced at?—The price depends entirely on the ingredients used.

234. What are the ingredients that are generally used?—At one time, on the first record of margarine, it was almost entirely produced from beef fat, the best fats from the inside of the bullock; but as time went on other products were used, always used in conjunction with oil, arachete oil or earth nut oil; it is almost like salad oil. But of late years different products have been introduced for the cheaper qualities. But I really think, although I have some knowledge of that subject, that that is the question that you should more fairly put to the margarine manufacturers who will come before you, and also to the analytical chemists, who understand it. I know something about it, but I think it would be safer to put those questions to themt

235. Is the New Zealand butter coming into favour in the British markets?—All the Australian and New Zealand butters are very largely sold here, and the shipments are enormous; they increase yearly, and there is a tremendous glut of the article at this present moment.

236. But is it coming into general favour with the British public?—Yes, very much so; it is very fine butter.

237. It is good butter, is it?—Yes. There is very fine butter to be bought at this moment at 74*s.* a cwt., and even less; and splendid quality at between 80*s.* and 90*s.*

238. Australian butter?—Australian and New Zealand butter; the market is absolutely glutted with it, from, you may say, 7*d.* to 10*d.* per lb., 10*d.* being the extreme and outside price at this moment; and you could buy it in hundreds of tons if you wished.

Mr. *Kearley.*

239. Is it the fact that it was cabled over the other day that butter was selling at 2*d.* a lb.?—I believe that butter has been shipped at an advance of 3*d.* for inferior quality; I have not heard of it so low as 2*d.*; it would surprise me. It has got very low in price, and the quantity is so large that they scarcely know what to do with it.

Mr. *Lambert.*

240. What is the charge for Australian butter from there to here?—About 1*d.* per lb. in the freezing chambers; it will cost you 1*d.* per lb. from door to door.

241. Do you apprehend that we shall get a large amount of Australian butter at those prices?—I believe that there is scarcely any limit to the production, from what we hear, unless they get a drought over there, and then, of course, we know what the result of that would be. The export of butter from the Colonies si increasing year after year by enormous bounds·

Mr *Lambert*—continued.

242. Then why is the Normandy butter better than the British butter if the British butter is treated upon the same system?—It is not treated on the same system, and I have no hesitation in saying that individual samples of the English butter are as fine as any butter that is produced. And also in regard to Ireland, I have seen as good butter in Ireland as I have ever seen in my life; but you cannot get the quantity of it, and they are not as careful in the production or as systematic as they are in Normandy, and as they are in Denmark. It is studied there almost as a science.

243. But you assert that butter produced in this country is equal to that produced in Normandy?—There are individual samples, and it can be, if it is carefully done, produced as fine in this country as in any country.

244. I am asking for information on behalf of agriculturists, of course. Do you imagine that really good butter, such butter as is similar to the best Normandy butter, will be appreciably affected in price by the competition of New Zealand butter?—Undoubtedly every kind of butter is being influenced by that, and very largely.

245. Then leaving that point, what system of inspection would you advocate for the better preventing of frauds between butter and margarine?—If you mean in the retail sale, I suggest that inspectors should be appointed who will move from district to district, and that they should not be clothed in uniform, and that they should be changed from time to time: and I believe that there should be female as well as male inspectors, because very often a female would go into a shop and be supplied with the butter where a man would be suspected, because it is more often the business of women and children to purchase these articles.

246. But by what authority should they be appointed?—The County Council has been suggested.

247. But, of course, you are speaking for London?—Yes.

248. You do not speak for the country?—I do not see why it should not apply to the country, because the inspectors could go out from the towns visiting the surrounding districts, and they would not be likely to be known, like a local man would be. It is only a suggestion, as you ask me for one. I have not considered this point fully.

Sir *Mark Stewart*.

249. I understand from your replies to the questions which were asked you just now in regard to mixtures that your opinion goes to this: that if you permit mixtures you at once do away with the really genuine article in the market?—I think so.

250. And therefore that it will cause adulteration?—I think so; it opens the door to it.

251. And you see no way out of it?—I see no other way to stop it.

252. Although the public taste does like these mixtures?—They like them; but the taste for butter itself would gradually be lowered if the mixing is allowed to continue; because the quantity that is put in will be gradually increased, until the real article will be spoilt by the margarine.

Sir *Mark Stewart*—continued.

253. And you are quite satisfied that margarine should not be specially coloured so as to designate it?—I should object to that entirely; I think it would be wrong.

254. Of course, if it was so coloured, it would give a very great advantage to the foreign producers, who would not be compelled to colour it?—It would tend to destroy the trade in margarine altogether; and I do not think that is desired by anybody.

255. Has any complaint been made to the Board of Trade with regard to the laxity at the Custom House of which you complain?—On a special occasion a deputation went up from the Home and Foreign Produce Exchange, of which I formed a member, and I think Mr. Hudson, of Ludgate-hill, was another; it was at the time that Sir Michael Hicks Beach was in office. I think I am right, but it is on record in these papers that shall be produced, and which Mr. Kearley has seen. We urged on him strongly to get the Customs to act on these sections, and we had a correspondence on the subject afterwards, but it was refused.

256. About what year was that?—I do not like to speak exactly from memory; but I should fancy it was somewhere about 1890 or 1891.

257. In the last Administration, of course?—Yes; I had the papers recently in my possession, but they have been returned to the Exchange.

258. As a purchaser of foreign butters, may I ask, is it the custom in the trade to pay in proportion to the analysis?—No; the butters are sold by guarantee. We guarantee the purity of all the butters that we sell to our customers.

259. And you do not purchase from the foreign importers?—No, we do not purchase; we are really agents for the sale of it.

260. In Normandy and Brittany does the factory system prevail?—Yes, almost entirely.

261. And very little butter is made in the homesteads?—Yes, it is made in the homesteads. The creamery system is not practised there; the factory system is.

262. When you speak of the factory system, does not that imply that the milk is taken from the farmers?—No; that is the creamery system. With the creameries the milk is sent in by the farmers, and it is there separated by separators.

263. But where the factory system is in use all the butter is made at home?—Yes; it is always made by the farmers, and carried into the factories.

264. Where it has merely to be mixed?—Yes; it is there sorted, and that is why we get an even quality. You do not get an even quality from creameries, because one day they make it good, and another day, from some accident, it is spoilt; whereas in the factory system the bad butter is rejected. It is brought in there manufactured, and they sort it according to the qualities.

265. Is there any system of giving a bounty in Brittany or Denmark?—No.

266. Nor in New Zealand?—No, not in New Zealand. At one time there was in Australia, but

Sir *Mark Stewart*—continued.

but it is at an end now. They are going to give a bounty in Canada. It is just now mooted there; in fact, I almost think it has passed into law, and they are going to compete with this market.

267. How do you account for the great cheapness of New Zealand butter at this moment?—They have had good prices for butter for some years past, and it is the most profitable thing they can do. Large numbers have turned their attention to it, and it is beginning to be developed.

268. But the price of manual labour is high there, is it not?—Yes; but the production of dairy produce is, I think, a very simple thing. And in New Zealand they scarcely ever put the cows indoors; in some parts they are in the open air always, and feed all the year round.

269. Have you ever heard that it is owing to the milking machine being used there?—No, I do not think that it is much used there.

270. Can we compete in this country, and in European countries, against the spring and autumn makes of New Zealand?—I very much question whether we can.

271. We can compete with their summer makes, can we not?—Yes, but there is great difficulty attached to that. If butter in England is made of very fine quality a fair price can be obtained for it always.

272. What do you call a fair price?—I mean in comparison with other butters.

273. But would the best English butter always top the New Zealand butter?—It would top the New Zealand butter, but it would not top the finest Normandy. The regularity and the convenience of the distribution of the Normandy butter gives it a great advantage. To show you the rapidity with which it is brought into the market, the butter that is bought in Carenton Market on Monday, one of the largest markets, will be distributed at your houses on Wednesday.

Mr. *Lambert.*

274. And go through the factory in the meantime?—And go through the factory in the meantime, be packed, shipped, and brought over here and distributed, and you will be having it on your table on Wednesday.

Mr. *Kearley.*

275. It is shipped the same night as it is bought, I think?—Yes.

Sir *Mark Stewart.*

276. Is that trade increasing?—Yes, it has been continually increasing.

277. Have you anything to do with importing condensed milk?—No.

278. There has been a very recent rise in this importation from New Zealand, has there not?—It has been going on for some years; but the increase during the last two years has been enormous.

279. Do you do anything in the way of importing cheese?—Yes, largely.

280. I suppose the same applies to cheese, too, from New Zealand?—The cheese making in New Zealand is increasing even more rapidly than the butter making. I have 200 tons of cheese from one small factory this year that last

Sir *Mark Stewart*—continued.

year only turned out something like 50 tons; that will give you some idea of the rapid increase. They advise me that their shipments this year will be over 200 tons.

281. In your opinion, if that increase continues, do you think that this country will be able to hold its own?—Do you mean with cheese?

282. No, with butter?—I think the prices are now so low with this colonial produce that it does not pay the producers there at this present moment; it is quite an exceptional time now.

283. And does that apply to cheese also?—I do not know. Cheese has not gone below a paying price; but at this moment butter decidedly has done so.

284. But cheese is falling in price everywhere, is it not?—Yes.

285. Especially the autumn and spring makes?—Yes; Colonial cheese is 10*s.* a cwt. less than it was last year.

286. And in this country it is the same, is it not?—Yes.

287. Especially with the autumn and spring makes?—Yes.

Mr. *Channing.*

288. Do you find any trace of adulteration, by mutton fats and so on, in Australian and New Zealand butter, or is it too cheap to make that worth while?—I have not found any adulteration in Colonial butter at all.

289. You wish to prohibit the sale of all mixtures of margarine and butter, I gather?—I do.

290. And, at the same time, you say that a certain proportion of margarine would escape detection?—Yes.

291. How would you deal with that difficulty?—As much as five or six per cent. probably, or even seven per cent., would escape detection; but you see that by the fact of mixing being prohibited altogether you would have another means of detecting the fraud.

292. Is it your argument that that small percentage which would escape detection would be hardly worth while using?—No; it would be sufficient to make a considerable profit; but if it were made a penal offence to mix at all you might obtain other evidence altogether; and that is one of the strong reasons for my wishing to see the mixing prevented.

293. You think that you could prevent it in that way?—We could obtain information, at any rate.

294. By microscopic and other tests you could obtain sufficient evidence for a conviction; is that what you mean?—Yes, and then by making the offence a penal one I do not think it would be attempted.

295. With regard to the French butter, it is made in the homesteads, I think, and completed in the factories?—It is bought in the original lump; it is made then into packages. The peasants bring their own make to the market, and it is there bought and paid for on the spot at the moment.

296. Then uniformity is obtained by classification at the factory?—Yes.

297. In the original lump from the farmer is there any adulteration?—I never heard of any at all; and if it were so in France the authorities

Mr. *Channing*—continued.

would be very hard upon it. They have taken stronger measures to punish and prevent adulteration than we have here, as those convictions which I have read to you prove.

298. Now about the tests by the Custom House; taking samples by the English Custom House, do you suggest that Section 8 of the Act should be strengthened so as to make it compulsory?—If it could be made compulsory, I suggest that it should be carried out.

299. Would you recommend that the Custom House should periodically take samples, not only of articles invoiced as margarine, but also of articles invoiced as butter?—Yes. The very fact, if it was known, that they were doing that, would tend a great deal to check the fraud if it became known abroad. I might show you how strongly that acts, speaking again on the point of this Belgian butter. Of course when we had seized a shipment of butter here, it was immediately known on the other side, and the butter that was being brought down for the next shipment was taken back again. They got scent of it, and they knew perfectly well it was adulterated, so that that which had actually got down to the ship's side for the next steamer was carted away again in great haste.

300. Is not one weakness of the 8th section of that Act that the direction to procure samples for analysis might be understood to limit the power of the Customs to articles which are either invoiced as margarine or which presumably were margarine; it would not include all butters, I mean?—They would have no purpose in sampling if it were labelled margarine; it is only to detect adulteration. If it were labelled margarine they would let it pass. It is only that labelled butter which would be in question. If it was passed into law that mixing should not be allowed, then they would have to sample both.

301. As it stands, is the section strong enough to enable the Customs to take samples of all articles which were presumably on the outside butter?—I think it might be strengthened by saying that they should be compelled to do so.

Mr. *Colman*.

302. What has been the general effect on the trade in margarine of the 1887 Act; do you consider that it has checked it very much?—For a very short time it checked it to a small extent; but I think you were present when I gave evidence before, and the great point then turned on the word "butterine" or "margarine," and I said then: "It does not matter what you called it, the fraudulent trader will sell it as butter." But that is not the thing that will stop the fraudulent sale; and as soon as people got to see that the Act was not being carried out as it should have been, they resumed their old practices, and the thing has gone on.

303. You were in favour at that time decidedly of the word "butterine?"—I was.

304. And you think that that being altered to margarine had little or no effect?—It had effect for some time, but it only had effect on those selling it as margarine; it had no effect on those who were evading the law and selling it as butter.

Mr. *Colman*—continued.

305. Then probably if butter had not fallen in price through these Australian importations, the fraud in margarine would have been decidedly larger than it is at the present time?—I question whether it could be much larger. It might have been making a higher price, I think. I think that margarine as well as butter would have been much higher, and then, of course, the consumption would not have been as great. You know, of course, that the consumption is regulated to a very great extent by the price.

306. With regard to the alteration you referred to in the Irish mode of making butter, I think it is rather different from what it was eight or ten years ago. They do it more through factories now than they did eight or ten years ago, do they not?—I think the system there was initiated by my firm, but it has been copied now by a great many others. There are many more factories running than there used to be.

307. And that has had a good effect, you think?—That has had a good effect.

308. Is that system adopted at all in England?—No; I do not know of its being done here to any great extent. I am of opinion myself that that is the only way in which English butter could ever be dealt with properly. I have always held that opinion—not in creameries, but in factories.

309. Butter factories?—Yes, butter factories; where a man in the district will buy all the butter and pay a good price for it, according to its value, and then he grades it and maintains a regular quality. A creamery never does that.

310. I see you told us before the former Committee that legislation in the United States had been so severe or strict that it had become practically obsolete?—Yes.

311. Do you know what the state of the law in the United States is now?—I do not know; I have not heard anything about it for years.

312. You have also given us a suggestion about margarine being in certain sized packages, I think?—Not size; I would not restrict the size, but I would have it imported in one particular kind of package, and that to be a wooden package that could bear a brand.

313. I was going to ask you how could you follow that down to the small buyers, buyers of a couple of ounces, or anything of that sort?—I am only speaking of it from the manufacturer to the agent, and from the agent to the retailers.

314. You have no suggestion as to how you would deal with it from the retailers to the consumers?—There, I think the same system that is in vogue now would suffice; that is to say, that it must be put into a paper with the word "margarine" printed on it. I think the Act as it stands is sufficient for that if it is carried out.

315. Did the Customs give you any reason why they did not feel able to adopt the same plan as they had done in France?—I think there was a great reluctance to meddle with the thing at all, and I do not think they would ever have taken a step if they had not been absolutely forced. When I gave evidence before the Committee on the Merchandise Marks Act, they brought forward a statement there that they had had a great number of packages stopped by the Customs;

Mr. *Colman*—continued.

Customs; but those packages were all stopped on account of incorrect marking through ignorance on the part of foreigners in not knowing what they should put on. Not one was stopped on account of any attempt to detect adulteration; and the Secretary of the Customs was called by the Chairman, and he admitted that when I was giving evidence. You will find it so stated in the Blue Book.

316. You said also, if I remember rightly, that you regretted that the term butterine was altered to margarine, and at the same time that the Imprisonment Clause was struck out?—Yes.

317. But would you suggest any alteration of the term "margarine" now that it is in common use?—It has become known now. The danger that we felt then was that the thing having been known for some years as butterine, it was beginning all over again to educate the public up to the term "margarine." That has now been done, and they know what it means perfectly well.

318. Then you would restore the clause as to imprisonment and permit the word "margarine?"—I would. I think that the imprisonment is the most important part of it all.

Mr. *Frye*.

319. Speaking of the very large increase of the importation of margarine, are you aware that it really has increased very little from the year 1887 to the present time; the importation in 1887 was 1,276,000 tons, and in 1893 it was 1,300,000 tons?—Are you aware that the importations during the last 12 months are less than they were last year and the previous year?

320. Yes?—Then, if you compare 1887 with 1892, 1893, and 1894, you will find that there has been an increase. There are now several large factories in this country.

321. From 1890 to 1891 there was a large increase?—There was a large increase.

322. But it fell off very much in 1890. The increase really is nothing?—The increase in margarine imported.

323. Since 1887 to the present time it is practically nothing, but the increase in butter from Australia, I see, has increased from 22,000*l.* in value to 861,000*l.*?—That is quite right.

324. Do you not think that that has really interfered more with the sale of English butter than margarine has?—No. You must not take it that I object to the sale of margarine; it is only to the fraudulent sale of margarine as butter that I object.

325. I quite understand that. Then you spoke about the frauds that had been committed in France, and which had been put down by very heavy fines and imprisonments, but I suppose those firms were really butter shippers and were not margarine shippers?—Butter shippers buying margarine, not margarine manufacturers.

326. But they were really butter manufacturers?—The margarine manufacturers would introduce their services to the butter merchants; and when some of the places were seized, the invoices from the margarine manufacturers were found on the premises.

327. Then I see you are very strong against mixing butter with margarine; but can you make margarine at all, without mixing butter with it?—You can make very fine margarine indeed without mixing butter with it, and it is made. Margarine proper does not have butter with it, only what it takes up from the milk.

Mr. *Frye*—continued.

328. Most of these margarine factories really make butter as well, do they not?—Some of them do. Perhaps they are under contract to take a certain supply of milk, and, if they have more milk than they want in the manufacture of margarine, they must make butter; otherwise they do not make butter.

329. You are strongly in favour of butter not being mixed at all with margarine?—Yes, I am strongly in favour of that.

330. But the law does not allow it to be sold as butter and margarine?—No.

331. Do you think it might be sold as a mixture, say?—No, I think not. I do not think it ever would be.

332. But why not?—The opportunity has been given, and it has not been done.

333. Do you believe that the whole of the trade in margarine is done in a fraudulent way?—I have not said anything of the kind. Not in margarine, but in mixtures the larger proportion is sold as butter.

334. You have a society that has taken this up in a very active way, and I understood you to say just now that you had not communicated with the local authorities as to the existence of these small margarine factories?—No.

335. Do you not think that would be a very good thing to do?—This association has only been working for something like a month, you see, and we have not been able to do as much, perhaps, as we would wish to; it is not easy to get a thing into proper working order at once. We have done a great deal, because we have discovered 70 offenders in a month, and 10 convictions have been obtained. One or two have been dismissed on account of technicalities, and conflict of testimony; but there are a large number pending now.

336. Then you would propose, I understand, that for a third offence the offender should be imprisoned?—I would.

337. Would not that be very hard upon a trader with a large number of shops; would he not be in the hands of the assistants?—No, I think not. Business men know how to deal with a thing of that kind, and magistrates would know how to deal with it when it came before them. There are men who have a large number of shops, and who carry on their business properly. They would lay down rules and instructions, and they would take care to have persons who would carry them out. I think that the fear of imprisonment is on the part of those who want to commit offences. I do not think you will find any honest trader objecting to the Imprisonment Clause.

338. You are very strong about the question of packages?—I am.

339. Do you know of any trade for which a rule is laid down that an article of commerce should be put in a special sized package, except poisons or explosives?—What do they do with chicory and coffee? I do not know much about the grocery trade, but I think the object of having a known package is that we should have one that can be indelibly marked. You cannot

Mr. *Frye*—continued.

indelibly mark many of the packages that are adopted.

340. You cannot sell chicory and coffee unless you put it in a tin or in paper, can you?—You have to do that.

341. You cannot sell it without, can you?—Then I would keep the margarine in a particular package.

342. The importation of this Australian and Canadian butter is increasing very much, is it not?—Very much.

343. And do you think it is interfering with the sale of Irish and British butter more than margarine is?—Not more; but it interferes with every kind of butter.

344. Have you ever found that butter comes from the colonies in an adulterated state?—Never. I have had the butter of almost every consignor analysed, and I have never found any adulteration whatever.

Mr. *Whiteley.*

345. I understand you object to any mixture of margarine and butter?—I do.

346. All mixing?—All mixing. I object to mixing entirely.

347. Then you would forbid anybody buying a mixture of butter and margarine?—I say if the public want to mix the two articles they can buy the two articles and mix them themselves.

348. You know, as a matter of fact, they can buy chicory and coffee mixed?—Yes, they do; and what is the result: that it is more chicory than coffee. I have heard coffee merchants say that the chicory business has pretty nearly spoiled the coffee trade.

349. I suppose that is a matter for the public to regulate for themselves, is it not; yet you say the public taste for these mixtures is increasing?—I have not said so. I say that the sale of mixtures as butter is very large.

350. I took down an answer of yours, I think verbatim, that the public taste for these mixtures was increasing. I will let that pass?—I did not say that the public took it as a mixture; they have it as butter.

351. They take these mixtures as butter?—Yes.

352. In whose interest would you prohibit the mixing of margarine and butter?—In the interest of the public.

353. Not in the interests of the agriculturists?—I am more representing London and what has to do with the public here. I am not directly in communication with the agricultural interests. I can see, of course, that if margarine or mixtures are sold as butter it must injure the agricultural interests. There is no denying that.

354. Then really, as a matter of fact, you suggest that the public should be debarred from purchasing what they like in the interests of a peculiar manufacture, namely, the manufacture of butter?—No, I do not suggest that. I suggest that whatever they purchase should be given to them, and that they should not be cheated by having one article given in the place of another. My own impression about it is that if many of these cases were treated at common law as a fraud they could be convicted.

Mr. *Whiteley*—continued.

355. As a matter of fact, if one of the public goes into a shop and buys margarine he buys the mixture at a cheaper price than he would if he were buying butter?—That is the mischief of it, he does not; it is given to him for butter at butter price. That I think I have made pretty clear to the Committee.

356. As a rule I take it margarine is cheaper than butter?—Very much lower in price.

357. When I speak of margarine I speak of butter mixtures?—But that is the point. If it was sold according to its relative value it would be a different thing.

358. Perhaps I have not made myself clear. If one of the public goes into a shop and buys something he has been accustomed to buy at a cheaper price than he knows he can get pure butter for, you advocate that he should not be permitted to do so any longer?—I have been trying to make clear to the Committee that mixtures are not sold to the public as mixtures or margarine, but are generally sold as butter, and, therefore, he buys a spurious article as butter and pays the price of butter for it; whereas if it were sold under its proper name he would buy that same article at 2*d.* or 3*d.* a pound less.

359. You advocate that margarine should be sold in packages?—No, I do not. Packages only apply to the wholesale trade.

Mr. *Kilbride.*

360. I understand you to say that you do not object to margarine being sold as margarine?—Certainly not.

361. And I think you said that you thought 16 per cent. would be a fair standard for the percentage of water in butter?—Seventeen per cent.

362. I think you mentioned 16 per cent. as a fair standard, and then, owing to the differences of season, you said that you thought it should be 17 per cent.?—I said that I never found any of my own butter at any time exceed 16 per cent., but I considered that perhaps that might be too low; and when I was asked by the honourable Member I said 17 per cent.

363. You would allow 17 per cent. because you said, I think, that the season of the year and the temperature would affect the quantity of water in the butter?—I would always allow a margin over anything I have actually found before proceedings should be taken. My actual experience never goes beyond 16 per cent.; it ranges usually from 13 per cent. up to 14½ per cent., and never in the worst weather have I found it over 16 per cent.; but I would always allow a margin of at least one point before any proceedings should be taken.

364. What variations of percentage have you found between butter made in the month of January in cold weather and butter made in the month of July in warm weather?—If the weather is extremely cold and frosty they would be very nearly alike; but when the weather is temperate you would not have so much water in the butter.

365. What difference would there be?—It would vary to the extent of some 2, and perhaps

3 per

Mr. *Kilbride*—continued.

3 per cent. If the weather was very dry and the pastures were very dry, then you would have very little water in the butter.

366. I understood you to say, I think, that the food on which the animals were fed had something to do with the quantity of water in the butter?—It is so. You could so feed animals that you could increase or decrease the quantity according to the sort of food that you gave them. That is particularly shown sometimes after wet weather. If you have very wet weather and the pastures are very full of moisture, you will find that there is more liquor in the butter than in dry weather.

367. Would you say that in winter, if the cows were fed largely on grains, that would produce more water in the butter?—No, I do not think grain would.

368. I mean brewers' grains?—Brewers' grains to some extent would, but not from the grain itself or from cake.

369. You understand what I mean, I mean brewers' grains?—Yes; I understood that you meant grain when you mentioned it first of all.

370. Is it not the fact that Ireland being a very damp climate (I believe that there is no country which has fewer dry days, days when rain is entirely absent), therefore there would be more water in the pasturages in Ireland than in Normandy and these other countries?—I have said so. I have said that the Irish butter would on an average contain more water than the Normandy butter.

371. Even when made on the most scientific principles?—Yes, I think so.

372. What percentage of variation would you allow?—In my experience the percentage in Irish butter in my own consignments has never gone beyond 16 per cent.

373. But what difference would you allow between Normandy and Irish butters?—I should fix the standard so high that it would allow a variation in favour of Ireland.

374. I think you spoke of some gentleman in Ireland who has a butter factory, and who buys the butter?—William Warner, of Bantry.

375. And that he manufactures the butter there himself?—Yes, he simply makes it on the factory system, and packs it in regular packages of regular sizes and dimensions, wooden packages.

376. Could you say whether he puts the butter which he buys from the farmers direct through that process; he extracts no percentage of water?—I think at times a little salt is added in the process. The butter is bought fresh from the farmers, and in the process of manufacture salt is added, and that always adds to the moisture, because the salt becomes liquid in the butter. I think the analysts will tell you that that would create a certain amount of moisture of itself; so that he adds something in that way, and probably loses a little in the manipulation; so that the actual difference would be very little.

377. There is a large quantity of butter, I suppose, the substance sold in this country as butter, which is an admixture of margarine and butter?—Undoubtedly.

Mr. *Kilbride*—continued.

378. Are you aware that evidence has been given here before this Committee last year that where the admixture of animal fat does not exceed 20 per cent., it is almost impossible to detect the admixture?—I do not agree with that, because my analyst finds it out even below 10 per cent., and considerably below. I have tested him by mixing myself what I have known to be pure butter. I have taken it and added so much margarine to it, and numbered the samples and sent them to him, and had him return the whole of them (as many as 10 in one lot) within a fraction of being correct; so that I have even tested the analyst to see whether his judgment was right in the matter.

379. You admit that butter ought to be coloured as well as margarine then?—I think it is necessary.

380. Has not the public taste with regard to the colour of butter somewhat changed; did not the public taste some years ago require a very high-coloured butter, and latterly not so highly coloured; is it not somewhat more in favour of a pale-coloured butter?—It is almost impossible to sell butter that is devoid of colour. I have had butter consigned to me without colour in the winter seasons, and however low you choose to offer it, people will not take it; they say that the public call it lard. I have even had to have it manipulated afresh in this country before I could sell it. I once had a lot of very fine butter sent from Switzerland, at a time when butter was very scarce, which was almost white, and the people would not buy it at all.

Chairman.

381. In speaking of packages, you handed in a paper which it is desirable should go in your evidence; but would you mind explaining it to the Committee a little more fully?—This paper states the price per cwt. at which boxes can be made, and the difference in price between packing margarine in boxes and packing it in the various descriptions of butter packages. It is as follows:—

		Per cwt.		Difference per cwt	
		s.	*d.*	*s.*	*d.*
Boxes,	14 lb.	1	9	—	—
,,	28 ,,	1	8	—	—
,,	56 ,,	1	1	—	—
Baskets,	14 ,,	3	1	1	4
,,	28 ,,	2	1	—	5
,,	56 ,,	1	7	—	6
Kegs,	20 ,,	3	4	1	7
,,	28 ,,	2	6	—	10
,,	56 ,,	1	7	—	6
Crocks,	14 ,,	6	8	4	11
,,	28 ,,	2	4	—	8
,,	56 ,,	2	2	1	1

382. All that appears on the face of the table?—Yes.

383. I want you to be good enough to explain your second column in relation to the first, and your theory in regard to it?—The object of the second column is to show that in copying the various known butter packages considerable unnecessary expense is incurred by the manufacturers and merchants who deal in this article.

Chairman—continued.

384. Which article do you refer to?—Margarine and mixtures, by packing it in expensive packages instead of cheaper ones. And my object in showing that is to bring before you what I believe to be the reason for it, namely, that it is to deceive the public by leading them to suppose that it is butter instead of margarine.

385. Then you mean to say that your table shows this: that it is to the interest of these margarine importers to pack their margarine in expensive packages, rising to as much as 4*s.* 11*d.* a cwt., in order to make it pass as butter?—It is done for that purpose; that is the object of it.

386. That is to say, that it pays them to pay sums varying, I think, from 1*s.* 4*d.* to 4*s.* 11*d.* for that purpose?—Yes; and then there is the additional cost on the crock too, because the carriage will be more; it will be very much heavier; it is a bulky package weighing, perhaps 56 lbs. per crock, and the crock and basket outside would weigh something like 18 to 20 lbs.; whereas a box that contained the same quantity would not weigh more than 5 or 6 lbs.

387. I think you said that you regarded margarine as a necessary article of food. Why do you think it is a necessary article of food?—I do not say that it is a necessary article of food. It is a good article of food, and the public have become used to margarine.

388. You mean to say that it is a non-injurious article of food?—Yes, if it is properly and well made.

389. And it is an article of food to which the public has become accustomed?—Yes.

390. You do not want to go for more than that?—No.

391. You spoke also of a certain trade in mixing machines being distributed to retail dealers, and I think you said you had reason to think that that was extending?—Yes, it has been extending considerably.

392. And the consequence is that each of those retailers has on his premises a machine by which he can rapidly mix butter and margarine in varying proportions as it suits him to sell it to his customers?—Yes.

393. And you think that those machines should be rendered illegal?—I think that retailers who use those machines ought to register themselves as makers of margarine; but if any suggestion were adopted that the mixing of margarine and butter should be illegal, of course there would be no further use for them.

Chairman—continued.

394. In that case those machines would be treated like an illicit still?—Yes, something of that kind.

395. That is what you think would be the proper way at arriving at a conclusion with regard to them?—Those who use them must either register and call themselves margarine manufacturers, or they must not use them.

396. Then, lastly, your objection to margarine being sold as butter in mixtures is, that margarine is an actual substitute for the butter itself?—Yes.

397. Whereas the water, and salt, and colouring matter which they use in butter are put in in smaller proportions, and not as a substitute?—That is so.

398. But the margarine is the actual substitution of a comparatively or wholly innutritious substance for a nutritious one?—It is not an innutritious substance, but it is an inferior substance.

399. I said a comparatively innutritious substance?—Yes, it is an inferior article.

400. At all events, it is an actual substitute for the butter?—Yes.

401. And therefore it has to be treated as a special substitute in a class by itself?—Yes.

Sir *Mark Stewart.*

402. I suppose that the price of those boxes is as they are made in London?—No; that is the price as they are manufactured abroad. The name of the manufacturer who gave the list to me is Anton Jurgens.

Mr. *Frye.*

403. The cost of carriage, of course, affects the price of butter just as much as it does the price of margarine?—Yes, but you see the wooden package bears the brand "margarine" upon it very clearly, and it cannot be obliterated without absolutely cutting it away; so that any person buying it would see it at once.

404. But that does not answer my question. Those packages add to the price of butter just as much as they would to the price of margarine?—Yes.

405. So that it is a fair competition when they are sold as they are?—But they are seldom if ever used for butter, except in extremely hot weather.

Wednesday, 20th March 1895.

MEMBERS PRESENT:

Colonel Bagot.	Mr. Kilbride.
Mr. Channing.	Sir Mark Stewart.
Sir Walter Foster.	Mr. Whiteley.
Mr. Kearley.	

SIR WALTER FOSTER, IN THE CHAIR.

Mr. ROBERT HENRY SLATER, called in; and Examined.

Mr. *Kearley*.

406. You are a shipper of butter from Rennes in Brittany?—Yes.

407. And I believe you have been engaged in that business for four years?—Yes.

408. Sufficiently long to give you a thorough acquaintance with the trade?—Yes.

409. As I understand, you come here to-day with the view of giving evidence as to the prevalence of adulteration that exists in the butter industry in France?—Exactly.

410. I think that from a careful study of this question you have formed the opinion that the facility with which adulteration is carried on arises mainly from the fact that the French analysts have admitted their incompetence to detect a percentage of margarine of less than 10 per cent.?—Yes; it is that, indeed, which permits of all fraud for the export trade.

411. And that the French shippers, taking advantage of that, take care to put in that quantity, knowing that there will be no fear of detection?—Exactly.

412. Have you any evidence that you can offer to the Committee upon that point?—I meditated reading extracts from the reports of one or more of the most eminent chemists in France.

413. Bearing on the point of their inability to detect the presence of margarine in small quantities?—Yes.

414. Will you read them please?—The first is an extract from the report of M. Lechartier, who is a Corresponding Member of the Institute of Paris, Professor of Chemistry at the Faculty of Sciences at Rennes, President of the Agricultural Society of Ille-et-Vilaine, and President of the Agronomical Station of Ille-et-Vilaine. He writes as follows: "At the present moment chemistry must declare itself powerless when asked to discover in any butter a proportion of margarine inferior to 10 per cent.; and there are cases where, from want of a certain proof, it is obliged to pass over proportions rising to 15 per cent. From analysis which we have effected in the month of last September, we were able to mix 20 per cent. of margarine in butter made by the Monthorin Creamery, at Louvigné-

Mr *Kearley*—continued.

du-Dèsert, without modifying its composition so as to render it abnormal. The mixture thus obtained, furnished as much volatile acid as can be extracted from pure butters, from the surroundings of Rennes, Acigné, St. Aubin-du-Cormier, and Feins. So long as a butter does not give upon analysis less than 5 per cent. of volatile acid, it cannot be declared margarined, because pure butters exist which only contain this proportion. A manufacturer of margarine could incorporate with the butters he buys, in certain cases, 15 per cent. of margarine, according to their properties. Butters thus falsified, submitted to an expert would be declared pure. Knowing how to keep within suitable bounds, all risk is destroyed, and frauded butter can be delivered on the market about 10 times more considerable than the quantity of margarine manufactured. For an output of 100 kilos of margarine, a merchant falsifies a ton of butter. Below 10 per cent. the fraud can be exercised without any risk, taking the necessary precautions. This is a certain fact. It has been said and written that the fraud would be rendered impossible, provided the means be given of recognising a proportion of 10 per cent. in the butter, because under these conditions the fraud would become illusive, and cease to produce sufficient profit. In this assertion there is a very grave error. It is necessary that the legislator be convinced of this fact, that the addition of margarine in a proportion of 10 per cent. and even a smaller proportion, produces considerable profit, superior to that which can be obtained by regular and loyal sales of an honest business. In the export business, which is for Brittany the veritable regulator of prices, the profit does not exceed a few centimes per kilo. It is sufficient, because the business operates upon a large turnover, recouping the capital employed in purchase at brief delay. It is different with the business of a large town. It has need of bigger profits per kilo, and as far as Paris is concerned, the assertion is doubtless founded that the profit arising from an addition of 10 per cent. of margarine would be illusive."

415. I presume you have other evidence from

Mr. *Kearley*—continued.

analysts or from statements made by them, bearing very much on the same matter?—Yes.

416. I do not think I need trouble you to read those, but you might just quote the names of the authorities so that we may have them recorded?—One is M. Violette, who is the Professor of Industrial Chemistry and Senior Member of the Faculty of Sciences in Lille, and his statements are confirmed by M. Girard, the Chief of the Paris Laboratory.

417. With this known falsification going on is there no law in France to prevent the fraudulent mixing of margarine and butter?—There is a law, but it is not preventative in any way.

418. Will you just explain how that is?—I will read you, if you care to hear it, a summary of the clauses of the existing law in France.

419. Can you give us, in general terms, without reading it, what the effect is?—It is a law which dates from the 14th of March 1887, and its principal clauses may be resumed into two paragraphs; first, prohibition to sell margarine or any other similar product as butter; second, obligation to indicate that the substance or mixture offered or sold, imported or exported, is not butter by the inscription of the word "margarine," "oleo-margarine," or "alimentary grease" applied to the bottle or envelope, and reproduced on the invoices, charge sheets, and bills of lading. The infraction is punished in the case No. 1, besides the confiscation, by a penalty of from 2*l.* to 120*l.*, and imprisonment of from six days to six months; and in the second case, No. 2, by a penalty of from 1*l.* to 40*l.*, and imprisonment of from six days to a month.

420. But in spite of that I think you are prepared to show the law can be evaded in numerous ways?—Yes, it can be.

421. You, yourself, I understand, as a shipper of butter and a manufacturer, have received visits from men desirous of selling you margarine?—Yes.

422. Inviting you to buy margarine to mix with butter?—Yes.

423. Will you kindly relate to the Committee your experience in that direction?—The persons who made the offer, two partners, occupy themselves with the sale of butter; they are commission agents, and hitherto they were only known as sellers of butter. They live at Rennes, or they did live at Rennes, at the time I speak of, and they were well known as large dealers of butter. They approached me with infinite precaution, and in order that I might discover what they were doing in the matter, I let them see that the subject interested me. I learned from them that they themselves would receive the goods through a third party.

424. The margarine?—Yes; thus having no communication with the manufacturers of the margarine. They then meditated supplying the shippers with margarine made up in the exact form of the butter moches received from the farmers.

425. What is a moches; a small lump of butter?—A lump of butter which is between 10 and even 100 lbs.; it is the lump of butter which the farmer brings to market to dispose of.

426. Their offer was to prepare margarine in that way?—Yes; either in baskets by itself, to be carted in with baskets of pure butter, or mixed in with the butter itself in the baskets.

427. You mean to say, taking it to other districts, and from there sending it in to the manufacturer under the guise of French country butter?—Quite so. This was their plan, and I was invited to call round at their place to examine the margarine. This I did not do, as I did not wish to be seen taking so practical an interest in it. As a consequence, they brought a sample to my usine the next day, which was shown me in the presence of my clerk and spoken of, in consequence, by them as Italian butter. It was then that I declined to have anything to do with it. They endeavoured to induce me to take a sample to mix myself to have analysed. This also I refused. They came furnished at the same time with an analyst's report that that margarine which they were offering for sale could not be discovered in any quality of Brittany butter under 15 per cent.

428. But in a general sense do you think that such advances from margarine agents or manufacturers are being favourably received by French butter shippers?—I am afraid they are. I am very much afraid so, because the fact of the margarine manufacturers making up their margarine to exactly resemble butter moches seems to imply that they have done so with the object of disposing of it in that form.

429. I think you have had some correspondence with Members of Parliament in France, or ex-Representatives?—Yes, I put myself into communication with the Viscomte de Villebois Mareuil, who proposed a law for the suppression of fraud before the French Parliament, before the French Chamber; but that law was never adopted, it was thrown out; and I believe at the present moment there is a Commission which is sitting still studying the question. He replied to my letter in these words: "I hold a most voluminous packet of papers upon the question of frauded butters, but it is at Paris, where I shall not return till some time hence. I have besides only one copy of the Commission's report made, not by me, but by my colleague, M. Guillemin, member for the Nord. He could procure you one copy."

430. Without going through it in detail, will you give us the important points?—He says: "Parliament would never even discuss it, and it remained during two years at the order of the day. I interpellated the Government many times to demand the discussion, but without success. The margarinists are all powerful, and too rich to enable anyone to struggle against them."

431. That is the suggestion made in that letter, is it not?—Yes, this is the letter (*handing in the same*).

432. What evidence can you give us to prove that a large quantity of margarine is received in France by shippers of butter?—From the report which was published by the Parliamentary Committee of the French Chamber, I find that the import to France from Belgium and Holland of so-called butter was in 1888, 279,010 kilos, and in 1890, two years after, it rose to 1,570,620 kilos; the production of butter in Belgium and Holland could

Mr. *Kearley*—continued.

could not possibly have augmented in such a proportion within the space of two years.

433. The point, then, is there, that, although this product was sent into France as butter, taking into consideration the production of butter in Belgium and Holland, it could not be butter, because it represented a greater quantity than those countries were producing?—Exactly.

434. There is such a strong feeling, I understand, as to the injuriousness of this competition among the honest butter shippers that they have declared to the French Parliament that, unless the public powers are prepared to help them with efficacious legislation, they will be obliged to imitate their less scrupulous competitors or see themselves ruined, as dishonest competition is practically shutting up, I understand, the honest shippers?—It is so. The butter merchants of Rennes declared to Parliament, in the year 1890 or 1891, "At this moment we are making a supreme effort to beat down the fraud, but if the public powers do not aid us with an efficacious legislation, it is certain that we shall be obliged to imitate our less scrupulous competitors; we shall be forced to add margarine to reduce the price of the butter. We know, in certain parts of the country, many exporters who had no intention to fraud, but who have been brought to do so from fear of seeing themselves ruined, their businesses become failures, and, in consequence, dishonoured. They said that, dishonour for dishonour, it would be better to choose the dishonour which would procure them riches."

435. That is, practically, expressed in my question. Do you assent to that statement?—Yes.

436. You have some evidence, I think, as regards the number of petitions that have been addressed to Parliament on the same point?—Yes; 41,029 petitions have been addressed to Parliament.

Colonel *Bagot*.

437. Names or separate petitions?—Separate petitions, emanating from 39 counties, and 12 other counties have joined their voices to theirs through their agricultural societies. The County Council, Aldermen, Chambers of Commerce, all the dairies of France, the syndicate of butter merchants, the agricultural societies, and an infinite number of agriculturists and exporters do not cease in their demand to Parliament for efficacious measures to suppress the fraud. Everyone feels that there is a national interest at stake.

438. But in spite of that the fraud still goes on?—Yes.

439. We had evidence yesterday of certain prosecutions having been successfully undertaken at the instance of the French Government, prompted, as we understood, by English shippers; are you acquainted with any of those prosecutions?—Yes, there is a house in England, in London, who offered a reward, I think it was 500*l.*

440. You have evidence, I think, of large quantities of margarine coming into Rennes, declared as margarine on coming in, but with no similar declaration when it left the town for export?—That is so, although it really must have left the town declared as margarine.

Colonel *Bagot*—continued.

441. Will you just tell us what evidence you have on that point?—These figures come from the Report of the French Parliamentary Committee, which states that: "At Rennes, where fat pays a toll on coming into the town, there is a shipper of butter who buys fat in bond, then mixes it with his butter in the presence of municipal agents specially called in to witness the fact. The mixture then leaves Rennes exempt from taxation, with the ticket 'margarine' upon it, which has only to be taken off to make pure butter of it. There is no law which forbids such falsification. In order to calculate the illicit gain which a shipper can obtain from this fraud, we have only to take, for example, the case of the shipper of butter above-mentioned. An extract, certified exact by the chief of the toll-office of this town, avers to the following operations:—From December 20th, 1888, to December 13th, 1889, he has bought in bond and mixed with his butters 54,516 kilos. of fat; from December 18th, 1889, to November 6th, 1890, inclusive, 53,229 kilos. If this mixture has been sold by him as pure butter, he has gained the difference between the price of fat and the price of butter for each kilo. of fat. Butter was sold at that time for 2fr. 28c. the kilo., and fat 95c., a difference of 1fr. 28c. per kilo., or an illicit gain in 1889 of 69,780frs. 48c., or 2,791*l.* 4*s.* 5*d.*, and in 1890 of 61,213 frs. 45 c., or 2,448*l.* 10*s.* 9*d.* The business done by this shipper per year, is 160,000*l.* to 200,000*l.*, which constitutes a sale of 2,000,000 kilos of butter. To gain 2,791*l.* 4*s.* 5*d.* in one year, it would be necessary to put 55,000 kilos of margarine in the 2,000,000 kilos—that is to say, a mixture in the proportion of $2\frac{3}{4}$ per cent." But it was abundantly proved by the evidence that had been given, that the precentage of margarine mixtures was as much as 10 to 15 per cent., which the chemists in England and France were utterly powerless to detect. So that if this particular merchant, instead of $2\frac{3}{4}$ per cent., had added four times that amount, which would have made 11 per cent. only, he would have had an annual illicit profit of 11,164*l.*; and had he been caught it is more than probable that for the first offence he would have been fined 2*l.*

442. Referring to that, there are margarine manufacturers in France, I understand?—Yes.

443. Who profess to manufacture margarine almost exclusively for export?—Yes.

444. But is there any evidence to prove that they are large exporters of margarine?—No, there is not; but I have the statistics of the quantity which they have shipped off.

445. I do not think I need trouble you with those?—Here are the statistics, if you care to hear them.

446. They might be put in?—The margarine manufacturers in France have not ceased to repeat that they work almost uniquely for the export trade, and yet, from official statistics, it becomes apparent that very little margarine is shipped from the country. What becomes of the surplus, if it is not exported as butter?

447. I think the French Government have sent

Colonel *Bagot*—continued.

sent delegates to Holland to report upon the margarine question?—Yes.

448. Have you their report or an extract from that report?—I have no extracts, I have the report in full. It is rather voluminous.

449. Can you state generally what the outcome of that delegation was, as bearing upon this question?—Generally speaking, I believe, that the Members of Parliament who went were influenced very much in favour of margarine; in fact, it was said that the Member for Ille-et-Vilaine, which is a great butter-making district, who had promised to defend his county against the margarine defrauders, really went over to the other side.

450. Became a convert?—Yes.

451. But what did he become a convert to, to the value of margarine as an article of commerce?—No, to protecting margarine as an article of commerce, although really he had obtained numerous votes to vote against margarine.

452. He did not become a convert to the view that mixing margarine with French butter was advantageous?—No; I did not wish to convey that.

453. The French Government, I understand, have taken steps to prevent margarine being used in hospitals in Paris and public institutions?—Yes.

454. On what ground?—They believe it is injurious to health.

455. We had evidence given here yesterday showing that at all events our London Government has not any scruples in that direction?—So I believe.

Mr. *Hilbride.*

456. Is that action on the part of French hospitals confined to Paris?—So far as hospitals are concerned, I believe it is; but so far as lunatic asylums are concerned, I believe, it is all over France.

Mr. *Kearley.*

457. Have you any evidence tending to prove that the Government have taken these steps to prevent margarine being used in hospitals in Paris and other public institutions?—The Superior Council of Health at Paris has forbidden the use of margarine in hospitals. That appeared in the Parliamentary Report against margarine, and the other information is taken from a newspaper, namely, that it is forbidden to be used in the lunatic asylums.

Mr. *W. Whiteley.*

458. Is it stated that that is because it is considered injurious to health?—Yes, that is so.

Mr. *Kearley.*

459. Can you read the quotation from the Parliamentary Report in support of that statement?—It says, "Let us terminate with the decision of the Superior Council of Health, forbidding margarine to be used in the hospitals. If the public assistance, always on the look-out for grinding down prices to equilibriate its budget, has seen itself obliged to refuse the usage of margarine much cheaper than butter, it is because it is not hygienic. It was, above all, forbidden in

Mr. *Kearley*—continued.

cooking potatoes"; and then it goes on to say that the potato is really the aliment of the poor.

460. That is a criticism on an extract from the Parliamentary Report?—Yes; this article goes on to say, "The margariners have deposed two things, first, that they do not commit any fraud; second, that never has a single one of their workmen knowingly bought margarine."

461. Now, generally, what steps do you suggest could be taken advantageously by this Government in the way of approaching the French Government?—I should imagine that if the English Government were to approach the French Government, they would bring such pressure to bear upon the French Government as would decide them to pass stringent laws, and to see that they were applied to all people—the rich exporters and the poor.

462. Would that have the sympathy of the butter shippers of France and the agricultural representatives?—Yes, it would. If the Committee will allow me, I have some letters here which I propose reading, from the butter shippers in France.

463. Giving their opinion on this question?—Yes.

464. Will you do so, if you please; were these letters handed in in view of your giving evidence before this Committee?—Yes; I wrote to the shippers with that object.

Chairman.

465. Will you read a brief extract from each, giving just the general purport of them?—I have, for instance, a letter from Messrs. Cheftel and Company, of Pontorson, in which they say that they themselves have had a petition signed, which was addressed to the National Agricultural Society of France, which had the common lot of all others. They suggest as a means of suppressing the fraud, the surveillance by the French Customs of butters entering France.

Mr. *Kearley.*

466. From other countries?—Yes.

467. Holland and Belgium especially?—Yes.

468. At the frontier?—Yes. They say that these butters are often margarined, and, even in spite of being called pure butters, are only margarine serving to falsify French butters. Samples taken by the Customs for analysis would render the fraud much less easy. And then they go on to say that so long as the French law allows the two businesses to be carried on together of margarine and butter, it will always be an inducement to fraud; and they suggest as well that the fines in England should be very much heavier than they are at the present moment; and that those who are caught often give, as their excuse, their ignorance of the fraud.

469. As a matter of fact, in France when these margarines are detected they are punished by imprisonment, are they not?—Not for the first offence. One man who was caught at Mésidon, a M. Levigoureux, was only imprisoned the third time he was caught, and he was caught only because he put margarine in his butter in very large percentages; I believe the last time he was caught it was 30 per cent.

470. But

Mr. *Kearley*—continued.

470. But the French law does enact imprisonment, I think, after repeated convictions?—Yes, six months' imprisonment is the maximum.

471. Have you any other letters upon the same subject?—Yes; I have one from M. Léon Porteu, of Rennes, in which he says that the honest shippers from France look forward very much to the Committee which is sitting in England, and they sincerely trust that such measures will be taken as will induce the French Government to become more energetic in the matter. They go on to say that the Brittany butters at the present moment, those which are sold at Rennes more especially, all pass through Normandy to go to England, as it is impossible for the shippers of butter at Rennes to successfully compete with the Normans in the prices which they pay.

472. I do not quite follow that, unless it is intended to convey that Brittany butter is bought by Normandy shippers and taken off to their factories, and then exported to England?—Yes, that is the inference.

473. Of course, a great quantity of Brittany butter goes certainly out of the port of St. Malo?—Not very much; I have the statistics of the butter which has been leaving St. Malo: in 1883, 10,629 tons were sent; and in 1893, 10 years afterwards, there were only 2,755 tons.

474. Then your inference is that this butter is bought by Normandy shippers who go to Brittany and buy the butter, take it back to Normandy, and ship it from Normandy to England?—Yes.

475. And consequently the volume of butter represented as being Normandy butter exported to England you allege is not Normandy butter?—Yes. The production of butter in Brittany has not diminished; on the contrary, it has increased as you see, but the export has fallen off almost entirely from Brittany. In addition to that, I have the official prices here which have been given by the Chamber of Commerce of Rennes; and if those prices are compared with the prices at which the Normandy exporters sold that Brittany butter as Normandy in London, they will be found much higher in Rennes than the prices at which the butter was sold in England.

476. The suggestion being what?—The suggestion being the addition of margarine.

477. Those prices might be put in without being read?—Yes (*handing in the same*).

478. That is clearly the suggestion, that the butter is sold in England at a lower price than that at which it is actually bought on the Brittany markets?—Yes; and, again, large quantities of butter are shipped to England from Isigny; and I believe that very much more butter comes to England called "Isigny" than is actually produced at Isigny.

479. Isigny is a district in Normandy, is it not?—Yes.

480. A small district which is very celebrated for its butter?—Yes, it is where the finest butter comes from. I have here the official prices of the butter, which prove that it is perfectly impossible for Isigny butter to be sold on the English market according to the price. One of two things must follow: either cheaper butter has been substituted for Isigny butter, which I take it is an

Mr. *Kearley*—continued.

infringement of the Merchandise Marks Act, or otherwise the butter has been reduced by the addition of margarine. I find also, in a Report by M. Violette, he says that the Isigny butter will support nearly 20 per cent. of margarine without the possibility of its being discovered by any analyst.

481. Why is that?—On account of the texture of the butter, the pasturage, and the race of cows. Even in Brittany there are many markets where the butters support much more margarine than others.

482. That, you say, is on account of the texture?—Yes. Now, although the quality is really equivalent and equal in every way, those butters are always sought after by the Normandy people, who pay a higher price for them than for other qualities.

483. They seek out those very butters that will carry a large percentage of margarine, do they?—Yes.

484. Are there any general observations you would like to make beyond what you have already said?—I might, perhaps, put in these letters from the several shippers and leave them here.

485. You might put copies of them in?—Yes. Not only are the Normandy butter-makers buying butter from Brittany and other parts of France, but they buy it from Belgium and, I believe, from other countries; in fact, they do from Holland; they buy it from Italy as well, and most countries.

Colonel *Bagot.*

486. Have you any statistics, or can you say whether the prices of butter in Brittany have diminished in late years?—Yes, they have.

487. According to your suggestion, that the butter industry has been ruined by margarine, they ought to have diminished?—Yes. I find in a paper called "L'Avenir de Rennes," in the markets of Rennes these prices have been given by the syndicate of butter merchants of Rennes. In 1868 the average price was 2 fr. 73 c. per kilo.; in 1890 it was 2 fr. 10 c.

488. Has there been a steady diminution, or are those only two years taken at random?—During the years of the war, 1870 and 1871, the butter prices fell away, but otherwise the decline is general.

Mr. *Kilbride.*

489. What was the price in 1886?—2 fr. 8 c.

490. Is that the lowest?—That is the lowest price.

Mr. *Whiteley.*

491. With regard to your quotation as to the injurious nature of margarine to health, is it your opinion that margarine is injurious to health?—Accepting what they say about it in the French papers, I should imagine certainly that it is so.

492. Margarine is simply a product of the fat of animals?—The paper which has the largest circulation in France, the "Petit Journal," stated that the margarine was derived from the knackers' yards. It even went so far as to say that the dogs and cats which floated down the Seine and the very rats from the sewers of Paris were

Mr. *Whiteley*—continued.

pressed into the service. That statement was never contradicted, and, although the "Petit Journal" had informed its readers that it would continue to give other particulars about the margarine factories, it all of a sudden stopped this information for some reason or other.

493. Have you ever been to a margarine manufactory?—No.

494. Of course, you are aware that they are under inspection?—In France?

495. At any rate in this country?—I do not think they are in France; I never heard of it.

496. I suppose practically it amounts to this: that bad margarine may be injurious to health just as bad butter may be?—Yes.

497. You say that the French butters are sold over here at prices cheaper than the butter is purchased at in France?—Yes.

498. Practically, then, the admixture, as you suggest, of margarine is made in France in order to meet the demand in this country for a low-priced butter?—Yes.

499. So that really the purchaser gets the benefit of it and not the manufacturer?—I take it that it cuts both ways. The profits are so enormous which are brought in by fraud that the butters can be sold cheaper, and it brings in at the same time a very large profit to the exporter.

500. This Normandy butter is bought, I believe, by Normandy shippers such as Bretel Frères and Lepelletier?—Yes.

501. And chiefly used, I think, for making their lowest qualities of butter?—That I could not say; but if it is used chiefly for the making of the lowest qualities, which are necessarily sold at the lowest prices, it is very hard to reconcile under those conditions the prices which they pay for the butter.

502. Then do you suggest that those two firms which I have mentioned adulterate their butter after purchasing it?—I would not go so far as to make any such suggestion, because I should not be able to bear it out by any proof whatever; but from the letters, the private letters, from other shippers, you will see that some inference in that respect may perhaps be gathered from them.

503. As a matter of fact, you have a kind of general idea that it may be so, but you bring forward no proof whatever to support it?—I have no actual proof.

504. It is only an idea of your own?—Yes.

Mr. *Kearley*.

505. Of course, Bretel Frères and Lepellitier are by no means the only Normandy shippers?—No.

506. Are there many?—Yes.

507. Fifty, perhaps?—Yes.

508. So that it might be possible that adulteration was carried on by Normandy shippers, but not necessarily by Bretel Frères and Lepellitier?—Just so; but still, Bretel Frères and Lepellitier are the two houses who buy up nearly all the butter down in Brittany, and they are the people who force the prices, so as to prevent the Rennes shippers or any other shippers from that part of the world doing any business.

Mr. *Kearley*—continued.

509. But you make no suggestion against Bretel Frères and Lepellitier?—No.

Mr. *Whiteley*.

510. You make no suggestion against the two firms that buy up the greater part of the butter that there is any fraud practised in their manufactory?—No, certainly not.

511. Is it not a fact that the mixing of margarine with butter in France is a thing of the past?—No, certainly not.

512. You believe it still exists?—Yes, certainly. It does not exist perhaps when butter is very cheap in France.

513. Can you bring any statistics to show the number of convictions that have been obtained in France, say during the last two years, for this fraudulent mixing?—If you mean for export, I have not got any statistics; but I do not think that more than two or three convictions have been obtained among Normandy shippers, and those men who were caught and convicted were found to be putting margarine in very large quantities in their butter. Had they contented themselves with only putting in a small quantity the probability is that they never would have been discovered, because it is necessary for the analyst to find the margarine in the butter before a conviction can be obtained, in France.

514. As a matter of fact, you believe that adulteration does take place, but you will not suggest that either of the two big firms do adulterate, and you cannot bring any proof that there has been any conviction that adulteration has taken place to any great amount?—No.

Mr. *Kilbride*.

515. You stated just now that perhaps adulteration does not take place when butter is very cheap in France. What price should butter be at in France to make it worth the while of a merchant to adulterate; how low should butter be before it would be profitable to him to adulterate?—I should think when it was about 80c. to the French pound it would be worth his while to do so.

516. So that when it was lower than 80 c. it would not be worth his while?—Not in very small quantities.

517. How long is it since butter was selling in France at that price?—I could not tell you that; I have no statistics of the actual prices.

518. Has butter been selling at that low price within your time?—Yes; there are times in Rennes when butter goes down a little lower than that, not often.

519. I think you suggest that the price that is being paid for Brittany butter in Brittany and the price it is being sold at in London would make it commercially unprofitable for anyone to be an exporter of Brittany butter?—Yes.

520. What is the price of the best Brittany butter in the principal butter markets in England?—It varies very much.

521. I only want the price of the first-class Brittany butter?—At the present moment it is worth 1fr. 5c. the French pound.

Mr. *Kilbride*—continued.

522. That is, of course, wholesale?—Yes.

523. What is the price the butter is sold at as best Brittany butter in London, wholesale?—The actual price at which it is sold at the present moment, I think, is about 86*s.* or 87*s.*

Mr. *Kearley.*

524. Per cwt. ?—Yes.

Mr. *Kilbride.*

525. Does that admit any margin of profit?—No; because paying 105 frs. to the 100 lbs. in France would bring the selling price in London, contenting ourselves with a small profit, to 96*s.*

526. But then they put, of course, the transit on?—Yes, everything included, transport and everything.

527. For 96*s.* ?—Yes, 96*s.*; and, in fact, it would be very difficult to sell the butter at 86*s.* at the present moment.

Mr. *Whiteley.*

528. Do you suggest that only 10 per cent. of margarine in butter is capable of being detected?—I could not say; I have no proof whatever.

529. Where does the fat, of which margarine is made in France, come from?—It comes from the slaughter-houses, and there may be some imported.

530. Have you any idea what is imported?—I have not.

531. Or where it comes from?—No.

Mr. *Channing.*

532. You suggest that a good deal comes from Belgium, do you not?—A good deal of butter.

533. And a good deal that is not butter?—I suggest that what is from Belgium and Holland is really margarine, but it has been declared as butter.

Mr. *Kearley.*

534. And there is no inspection on the frontier by the French authorities?—No. That evidence is contained in the Parliamentary Report.

Mr. *Kilbride.*

535. Could you give the Committee any evidence to prove that any large or considerable quantity of fat made into margarine in France, comes from South America?—No, I could not.

536. You stated, I think, in the commencement of your examination, that French analysts cannot detect the mixture where there is not more than 10 per cent. of margarine?—Yes.

537. And that, if it is done in a very scientific manner, I think you stated that it might contain 15 per cent.?—There are some butters that contain a very much higher percentage than others. I could give you a practical example, if you wish, of how a butter shipper who has margarined his butter can work his trade.

538. I do not mean that. I mean where he could add 15 per cent., or even 20 per cent., with a certain class of butter, and still the French analyst would not be able to detect the fraud, even to that extent?—That is perfectly correct. I have the evidence here.

Mr. *Kilbride*—continued.

539. You have handed in to the Committee the names of analysts who have declared that they could not detect it?—Yes.

540. I think you stated that 5 per cent. of volatile acid is the test of pure butter?—According to some analysts; other put it at 7 per cent.

541. But with some butters it is quite possible to add 20 per cent. of margarine, and still retain the necessary quantity of volatile acid?—Yes.

542. Could you say what profit arises from the addition of 10 or 15 per cent. of margarine to pure butter?—Yes. If a shipper has a ton and a half of butter to ship, which is a very small order (I myself have shipped over 24 tons a week), in order to improve his quality, he buys butters of the same quality, but coming from different districts. He may make his purchases on four different markets, the produce offered on each market being as near as possible of the same quality, and yet it may be possible that each of these four butters presents, upon analysis, a different quantity of soluble and insoluble acids. As a case in point, let me suggest that he buys 500 lbs. of butter, which can support 10 per cent. of margarine; 600 lbs., which can support 15 per cent.; 700 lbs., which can support 20 per cent.; and 800 lbs., which can support 29 per cent. To make up about a ton and a half he would, therefore, only require to purchase the quantities of butter above stated, making together 2,600 lbs., as according to the properties of the butters shown he would be enabled to add 480 lbs. of margarine and thus obtain a little over a ton and a half of what any analyst must declare to be pure butter. Now, what would be the advantages that this shipper would have over an honest competitor? If he contented himself with paying the same price he would gain an illicit profit, by the addition of margarine at 5*d.* per lb., of 236 fr., or 9*l.* 8*s.* 10*d.*, and sell his butter at the actual cost price, which of course the honest shipper could not do. But if he wished to stop his honest neighbour from working, he could do so very easily by monopolising all the butters on the markets at prices which the honest man could not approach. On one of the markets he could put 105 fr. against the other's 100; on another, 107·50 against 100; on another, 110 against 100; and on another, 112·5 against 100; or, in other words, 10*s.* per cwt. more in the last instance; and then obtain the profit which the honest man calculated to obtain. Such a man defying competition would naturally soon be doing a big trade, and might very well count upon shipping 100 tons per week; and if we calculate the illicit profits as above we should arrive at 629*l.* 6*s.* 9*d.* per week, or the colossal total of 32,724*l.* 13*s.* 8*d.* per annum. But, for argument's sake, let us say that these figures are exaggerated. Well, if he only margarined 1 per cent., it would come out at 2,080*l.* per annum; at 5 per cent. it would come out at 10,400*l.* per annum; and at 10 per cent. it would come out at 20,800*l.*

543. Do I take it that you suggest, to put it shortly, that the addition of 15 or 20 per cent. of margarine to pure butter makes a profit of about 10*s.* a cwt. ?—Yes.

544. I think you stated to the Committee that the imports into France from Belgium and

Mr. *Kilbride*—continued.

Holland of so-called butter have increased enormously; some four or fivefold, I think it was?—Yes.

545. From between the year 1888 to 1890?—Yes.

546. Has it gone on increasing in the same proportions?—I have not any further statistics. Those came from the only Parliamentary Report that has been published.

547. Are you able to tell the Committee that the present export of butter from Belgium and Holland into France is really more than the genuine butter produced in Belgium and Holland by the farmers?—It was in those years.

548. Therefore, of course, it must be largely amalgamated with oleomargarine?—Yes.

549. What body do you say it was that took steps to prevent margarine being used in hospitals?—The Superior Counsel of Health.

Chairman.

550. I only want to ask you a question before you go. You said that there was a great want of energy on the part of the French Government in putting down this illicit trade in margarine?—Yes.

551. Can you suggest any motive for that?—The only motive, I take it, is that this money has been illicitly extracted from the English pocket, and necessarily becomes a *richesse* for France.

552. Is that at all due to the fact that the French Government may be unwilling to interfere with a process of cheapening the food of the French people?—No; I think that the margarinists are so very very powerful, as is suggested by the letter of the Vicomte de Villebois Mareuil, that the Government does not feel inclined to interfere with them.

553. But I suppose butter and butter substitutes in France would be dearer if they did interfere with this trade?—Yes.

554. And so the French people themselves would have to pay more for a very necessary article of food?—Yes.

555. May not that be the motive of the French Government?—I should not imagine that it was.

556. Do you not think that it would be unpopular for the French Government to make the food of the people dearer?—No, I do not think so.

Mr. *Kilbride.*

557. Might I ask, in connection with the question which the Chairman has just put to you, whether it is not the fact that the Chairman of the French Commission in charge of the last Margarine Bill said in the French House that Normandy and Brittany butter sent to England had from 15 to 20 per cent. of margarine mixed with it?—I do not remember the statement.

558. Are you aware that the Minister of Commerce declared that if the Bill were adopted it would destroy the margarine trade in England?—Yes, I remember that being stated.

559. Would you be able to verify the first statement that I have made?—I will read through the reports and see if I can discover the passage.

560. And if you can find it you can hand it in later on?—Yes.

Chairman.

561. I have one final question to ask you: do the French people buy their butter in the towns of France generally as cheaply as French butter is sold in England?—No; they pay very much dearer for it.

562. So that butter in France is dearer than what is stated to be French butter in England?—Yes, very much dearer; because at Rennes we cannot possibly for the greater portion of the year pay the price, even wholesale, in order to sell it in London, and the retail buyer, of course, has to pay very much dearer.

Mr. *Channing.*

563. And in your opinion is there much fraud in the retail selling of butter in France itself?—Yes, it is said that from one end of Paris to the other, not one pound of pure butter is to be found retail.

Mr. *Whiteley.*

564. Do they pay a higher price for that impure butter in France than they get it for in England?—Yes, because they have the Octroi Duty, which is added in Paris.

Mr. *Kilbride.*

565. Are you acquainted with the Danish Margarine Act?—No, I am not.

Mr. JOHN THOMAS HORNER, called in; and Examined.

Chairman.

566. I THINK you represent the Dairy Trade and Can Protection Society?—Yes.

567. And you wish to give some evidence with regard to a milk standard?—Yes.

568. Do you think it is desirable that there should be a standard for milk?—Yes, I think it is.

569. At what rate would you fix that standard?—In view of the figures that I have I should fix it low, not more than 11 per cent.

570. Why would you fix it low?—Because of the variation, at different seasons of the year, in

Chairman—continued.

the milk of given herds, and in the milk of individual cows.

571. Can you give us any evidence as regards that variation?—Yes; I have submitted a statement, in which I show that from September 1893 to February 1895, 2,229 samples of milk were examined, 724 of which showed total solids under 12 per cent.; 36 of those samples showed solids between 11·40 and 11·50, 42 showed total solids between 11·50 and 11·60, 79 showed total solids between 11·60 and 11·70, 83 showed total solids

Chairman—continued.

solids between 11·70 and 11·80, 107 showed total solids between 11·80 and 11·90, and 109 showed total solids between 11·90 and 12.

572. So that you have a total of how many samples showing a low rate of solids?—724, under 12 per cent.

573. And under a lower percentage, how many?—I have not got those added together.

574. Take the solids not fat?—I can tell you the solids not fat. There were 54 in September 1893, showing under 8·50 solids not fat; in October 1893 there were 51; and in November 1893 there were 32.

575. Then, in the earlier parts of the year; were those more numerous in the winter than in the spring or summer?—Proportionally they are more numerous in the spring than they are in the autumn.

576. Have you any other remarks to make on that table as to the percentage of fat?—I have to say that the same thing applies, to a certain extent, in the fat. In September, out of 141 samples examined, seven showed less than 3 per cent. of fat; in October, 4 out of 221; in November, 6 out of 194; and in December, 13 out of 168.

577. And then there was a considerable increase of the number during the spring months?—Yes.

578. And then they fell away again towards the winter?—Yes.

579. From those figures, what inferences do you draw?—I draw the inference that it would not be safe to fix a high standard either for the solids, fat, or the total solids.

580. And if you did fix a high standard, what would the result be?—Many of these milks that I believe to be the natural produce of the cow would be condemned; and in view of the poorness of some of these milks, as I have already shown, we had samples of several herds of cows, and we found the herds differ between one another as regards the analysis of the milk, and the cows of an individual herd, too.

581. Will you kindly give us some evidence on that point?—In September 1893 we had a herd of 71 cows, 13 of which gave results of under 12 per cent. of total solids; one was as low as 10·41; and another, 10·92.

582. You need not give all the figures?—Varying from that up to 12 per cent., three showed solids, not fat, 8·50; and 14 gave solids, not fat, under 8·50. I could give those figures if the Committee desire it.

583. Then you took another herd of cows in November 1893?—In November 1893, out of a herd of 32 cows, five gave less than 12 per cent. total solids.

584. Going as low as what?—8·99.

585. Then, about the solids not fat?—Seven of them gave solids not fat 8·50, and under; and three gave solids fat less than 3 per cent.

586. Then you made a further experiment with another herd in March 1894?—In March 1894 we made two experiments. We made one in the morning with a herd of 38 short horns and two half-bred cows, of which 30 gave less than 12 per cent. total solids.

587. And what was the lowest?—The lowest being 10·26; 11 gave less than 8·50 solids, not fat, and 29 less than 3 per cent. solids fat. This milk, so far as it could be mixed together as the milk of a herd of cows, was put into seven travelling churns for delivery, samples were taken from those particular churns, and the results were of No. 1, solids not fat, 8·66; solids fat 2·83; total solids 11·49. The others were 11·60 total solids in three cases; another one 11·57; another 11·58, and the best 11·92.

588. That, you say, was the morning milking?—Yes.

589. Did the afternoon milking show any difference?—Yes; the same herd in the afternoon showed the following results: 15 less than 12 per cent. total solids, the lowest being 10·46. Thirteen gave less than 8·50, solids not fat; and 7 less than 3 per cent. fat. Of the cans, 4 contained total solids 12·27, 12·34, 12·19, and 12·38 respectively.

590. That was a much higher percentage of solids than was the case in the previous cases?—Yes, higher than it was in the morning.

591. To what do you attribute that?—That is the usual thing; that is the only thing I can say. The afternoon's milking is usually the richer milking of the two.

592. Was there anything peculiar in the feeding of these cows?—No, they were well-fed cows.

593. Were they stalled?—Yes, they would be in March.

Colonel *Bagot.*

594. What time of the year was this?—March 1894.

Chairman.

595. Then in May 1894 you took a herd of 82 cows, I think?—Yes.

596. What was the result in that case?—Twenty-eight gave total solids of 12 per cent., and under; 2 of them were as low as 10·50; 16 gave solids not fat, 8·50 and under, and 21 gave 3 per cent. of fat and under. One of these cows gave solids not fat 9·55, solids fat 1·87, total solids 11·42; but a fortnight later the same cow gave in the morning 9·13 solids not fat, 3·31 solids fat, and 12·44 total solids; in the evening of that day she gave 9·65 solids not fat, 2·98 solids fat, and total solids 12·63.

597. What were the altered conditions in those two or three weeks to account for that?—I cannot explain it. I believe the feed was altered a little, but not much.

598. Then in June 1894, I think you made another test?—In June 1894, 20 cows of that same herd were tested, of which 13 gave 12 per cent. and under of total solids, two of them being as low as 10·90. Four gave less than 8·50 of solids not fat, and six gave 3 per cent. and under of solids fat, in the morning's milking. In the evening of the same day, taking the same cows with four others, nine gave 12 per cent. and under of total solids; six gave less than 8·50 of solids not fat; and six gave 3 per cent. and under of solids fat. On the following morning, with 23 of the same cows, the results were that 15 gave 12 per cent. and under of total solids;

Chairman—continued.

six gave less than 8·50 of solids not fat; and 14 gave 3 per cent. and under of solids fat.

599. Then, lastly, in June 1894, you made a further experiment?—In June 1894 we had another herd of 11 cows, of which two gave less than 12 per cent. total solids, and one less than 8·50 solids not fat. In this case, the average of the whole milking was 8·86 solids not fat; 3·76 solids fat; and 12·62 total solids.

600. Then taking the whole thing as a summary, you would say that out of these 2,229 samples of milk, 724, or rather less than one-third, failed to satisfy a standard of 12 per cent. total solids?—Yes.

601. And then, taking the other standard of solids not fat, what were your results?—Four hundred and ninety four failed to satisfy a standard of 8·50.

602. And taking the 3 per cent. of solids fat, what was the result?—Two hundred and thirty-four failed to satisfy a standard of 3 per cent. solids fat.

603. Then in view of these figures, taken under very different conditions, and at very different times of the year, you would conclude that the standard ought to be fixed at what point?—If the constituent parts are to be fixed, I should say that the standard ought to be 8·50 solids not fat, and 2·50 of solids fat.

604. And you think that with that standard, injustice would not be done to milk vendors?—I do not think it would.

605. Is there anything else you wish to say to us on this point?—I have here the result of experiments that I made in February 1890, as to the possibility of removing cream from milk in the ordinary way of sale. I took a sample of milk, of which I have the analyst's statement here, which showed total solids, 12·07, solids fat, 3·30, and solids not fat, 8·77. The analyst was Dr. Redwood. During a period extending over seven hours, from 11 a.m. to 6 p.m., the milk was treated as being sold in small quantities, as is the case very often in small shops in London, and a sample of the final half-pint or pint, as the case may be, was submitted along with the other sample, and the total solids are given as 11·06, the solids fat, 1·86 (a loss of 1·44 of solids fat), and the solids not fat, 9·20. In the one case it is certified as good milk, and in the other as skim milk. These are two samples of the same milk, practically, after the process of serving out in small quantities from a counter pan.

606. Then the fact is that milk placed in a single pan on the counter had the analysis you gave of it in the first instance?—Yes.

607. But by the simple process of taking and skimming off from it certain quantities of milk as the business of the house required, the last sample was one that might have been condemned as a poor milk?—Undoubtedly.

608. And the first samples were good average milk?—Yes.

609. And that was entirely due to the ordinary rough manipulation in the process of sale?—That is so.

610. That is very interesting?—That is one reason also why the standard should be low, because cream does naturally rise, as no doubt all

Chairman—continued.

the Members of the Committee are aware, and you cannot amalgamate it again with the milk. This is an extreme case, I admit; but, still, it was the result really of my being in the Clerkenwell Police Court and hearing a man, who had been summoned for adulteration, plead this defence. I made the experiments in order to see if it was possible.

611. And that experiment confirmed the validity of the defence in your mind?—Yes, it did.

612. Are there any other observations that you wish to make to the Committee?—Not on the question of the standard of milk.

613. On what other subject have you any evidence to lay before us?—I hand in a print of the suggestions which the Society with which I am connected have prepared, and on which I should be pleased to answer any questions.

614. I think you may put that in as a printed document?—Yes. The only thing I would like to add to that is this: that I think it would be advisable, under the powers conferred under the Act of 1879, if an inspector who takes a sample in his own district from a retailer was in any amended Act empowered to go outside his own district, if he was satisfied with the *bona fides* of the retailer, to take a sample from the farmer's or consignor's milk, as a protection to the honest retailer.

615. That is to say, that in the case of a retailer who was visited and had a sample taken from him, in order to protect him against any fraud on the part of the person who supplied him with milk, you would have a sample also taken for his protection from the milk *in transitu*?—Yes. Under the present conditions an inspector can only take those samples in his own district.

616. And in order to do that he would, of course, have to go out of his district and catch the milk coming in?—Yes.

617. Is there any other suggestion of a similar nature that you wish to make, or of any other character?—No, I think not. All the suggestions that we have to make for our protection are set out, I think, in the printed form (*handing in the same*).

Mr. *Channing.*

618. You gave us figures of the solids not fat being under 8·5, but I do not think you stated the percentage, did you; how much below 8·5 were they in those cases?—I did not state it, but I will give it to you. I gave the number of samples which are under that figure, but I have not given the actual decimal in the solids not fat.

619. But in the paper which you have handed in, have you specified what percentage it was below 8·5?—No, I have not; but I could do so. I shall be prepared to submit a further statement showing those figures.

Chairman.

620. Have you got them now?—Yes.

621. Just read them out, if you please?—In 1893, the figures were—8·19, 8·28, 8·30, 8·32, 8·45, 8·50, 8·39, 8·30, 8·45, 8·44, 8·47, 8·42, 8·22, 8·38, 8·08. That is in September 1893.

622. The

Mr. *Channing.*

622. The last one you quoted is the only one, I think, which is very much below 8·5?—No, they are all below 8·5. I have gone as far as 8·20.

623. But that is the only one very materially below?—It is nearly half a point below.

624. How have you made those tests—have you made them yourself?—No, I have not made them myself.

625. Have they been made by a competent analyst?—By a competent chemist retained by the company which I represent.

626. What method of analysis has he adopted?—The method adopted by the public analysts.

627. The same in all particulars?—Yes, he was previously an assistant of one of the public analysts in the county of Durham.

628. I did not hear what you said yourself was a fair standard; do you object to all standards?—No; I say that a standard should be fixed, and that if the constituent parts are fixed they should not be more than 8·50 of solids not fat, and 2·50 of solids fat.

629. You think the suggestion of 3 per cent. is altogether too much for solids fat?—Yes, I do.

630. Are you aware that we have had figures from very reliable sources put in which show a much higher percentage than 3 per cent.?—Yes, I could show a much higher percentage.

631. Through all the months, and so on?—Yes, I can show the same thing.

632. What proportion of cows in the dairy trade would fall below this standard of 3 per cent. if reasonably treated?—I should be prepared almost to accept my own figures, and say that a third of them at one time of the year or another would not satisfy that standard.

633. And you think it is desirable that cows of such an inferior type should be kept up, and that people should be encouraged to keep them?—I cannot admit that they are inferior cows.

634. We have had a good deal of evidence before the Royal Commission on Agriculture as to very much higher percentages than 3 per cent. being easily obtained, and its being possible to make a profit out of it?—I can easily show you some analyses that I have had made of the same cows, month after month, where the variation is such as I have already shown, where they have gone up as high as 16 per cent. of total solids from the same herd of cows.

635. However, that is your opinion, based apparently upon a very small number of cows, so far as you have put your figures in?—I do not know that. We turn over something like 2,000,000 gallons of milk a year.

Mr. *Kilbride.*

636. When you spoke of taking samples from three herds of cows, were they mixed breeds or the same breed?—They were dairy shorthorns principally.

637. You stated that in the spring time the milk is very much poorer than in the autumn time?—Yes.

638. Is not that difference in milk due largely to the time when a cow calves?—To a certain extent it is.

639. Is it not the fact that when a cow has calved about five or six months, when she is running dry in fact, that is the time when she will give the richest milk, no matter whether it is spring or autumn?—That is so; I think; but I have not kept cows, and I am not in a position to offer evidence upon that point.

Mr. *Kilbride*—continued.

640. But you admit that that is a notorious fact?—I feel that it is a notorious fact.

641. You stated that you could give different returns from the same herd as to the quality of the milk at different seasons of the year?—Yes.

642. Would that be accounted for at all by the change of feeding in the meantime?—No, I do not think so.

643. Would you say that you could feed cows upon particular foods which will produce very much richer milk; that although it will not increase the quantity it will undoubtedly increase the quality. If you feed cows upon cake and crushed barley or oats will not the cows fed on that particular food, although they may not give an increased quantity of milk, give a much richer milk?—I think you can affect the solids fat in milk by feeding, to a certain extent.

644. Is it not a notorious fact that cows fed upon brewers' grains and bran mixed will give a much larger quantity of milk than if fed upon cake and crushed grain?—I should say so.

645. Though they will give a very much poorer milk?—Yes, I should say so.

646. Would that be a reason, do you think, why it would be impossible to have a low standard for milk?—No, certainly not.

647. You are in favour, I presume, of allowing inspectors to take samples of milk outside their own district, but milk that is on its way to their district?—Yes.

648. And you would be in favour of having a uniform standard of milk established?—Yes.

649. At present there is no standard, as you know?—There is a standard, of course, but not a legally fixed standard.

650. That is what I mean. Does it not largely depend upon the particular idiosyncrasies of the analyst?—Yes, it does to some extent.

651. Is not that calculated to bring the law somewhat into contempt?—But if we had a recognised fixed standard there could be no idiosyncrasies.

652. Therefore, you are in favour of having a fixed standard?—Yes.

653. But not having it placed too high?—Certainly not.

Colonel *Bagot.*

654. You propose these figures that you give, 8·50 and 2·50, as what you would recommend for the legal fixed standard?—Yes.

655. Do you know how those figures would compare with the standards abroad?—I do not. I have no knowledge of the foreign standards.

656. It is very much lower than the standard in Paris, according to the evidence that we have had here, for instance?—I have not any knowledge of the French standard.

657. You do not think that if the legal standard was fixed as low as you propose it would have a tendency to make people never sell milk of anything better than that standard, be-

Colonel *Bagot*—continued.

cause there would be no necessity to do so?—It might have that tendency; I quite admit that it is open to abuse.

658. You admit that the standard is a low one?—Yes.

659. Why should not a dealer water his milk down to that standard always?—The chief obstacle in his way, so far as I can see, is, that he cannot tell at the time he does it what quality of milk he is dealing with, without analysing it first.

660. You said that your society recommended that an inspector should be allowed to go outside his district in order to protect the retailer; that he might go to the farmer from whom the retailer got the milk?—Yes.

661. That is presuming the farmer was outside the district?—Yes.

662. But has not the retailer got power to send the inspector to the farm he got it from?—No; the only thing he can do is to apply to the public inspector of the county or borough where the milk is produced.

663. But that is his protection?—Yes.

664. He says where he got it from, if he is summoned for adulterating milk, and he can send the inspector to see the farmer where he got it from?—He can request the inspector to do it, but it is not always done; that is the mischief. Where an inspector in town had a sample of milk which was shown to be wrong, and he was satisfied of the *bona fides* of the retailer, I think he should have that power. For instance, supposing a retailer bought it with a warranty, he knows what the result of a prosecution will be, and he naturally tries to get at the real adulterator, if he can.

665. He has nothing more to do than to apply to the inspector to go and see the wholesale man that he got it from, has he?—If it is in his district it is all right.

666. But if it is in any other district?—Then he can apply, certainly, to the officer of the district; but it is not always that you can get them to act.

667. That would, as a general rule, only affect London dealers. As a rule, the country dealers have their milk from the same district, do they not?—I put that suggestion forward because it has been fully worked in the Manchester and Salford district, and by that means, I am informed on very good authority, the quality of milk in Manchester has been improved.

Tuesday, 26th March 1895.

MEMBERS PRESENT:

Colonel Bagot.	Mr. Kearley.
Sir Charles Cameron.	Mr. Kennedy.
Mr. Channing.	Mr. Kilbride.
Mr. Colman.	Mr. Lambert.
Sir Walter Foster.	Mr. Newdigate.
Mr. Frederick Frye.	Sir Mark Stewart.
Mr. Jeffreys.	Mr. Whiteley.

SIR WALTER FOSTER IN THE CHAIR.

Mr. PATRICK HICKEY, called in; and Examined.

Mr. *Kilbride.*

668. You are a wholesale butter merchant in Manchester?—Yes.

669. How long have you been connected with the trade?—Twenty-five years.

670. You are a member of the Manchester Chamber of Commerce?—Yes.

671. And you have been selected by that body to give evidence on behalf of the Chamber of Commerce?—Yes.

672. When did the first case of alleged excess of water in butter occur, so far as you are aware, in this country?—I do not remember the case, but it has been mentioned since this water question has cropped up. The case occurred in Bradford, in Yorkshire, I believe, in 1886. I might, with your permission, point out that in connection with that case there was a certificate given by Somerset House, in which it was stated that the butter was pure; there was about 19½ per cent. of water, but the butter was pure butter of a low quality. I have a copy of the certificate amongst my papers which I can leave with the Committee.

673. You can hand it in?—If you please.

674. When did the next case occur?—The next case was in connection with the co-operative society at Meltham, near Huddersfield, in Yorkshire.

675. Where did the butter come from in that case?—It was Cork, first quality, salt butter.

676. Was the manager of the society summoned?—Yes.

677. Because the butter was supposed to contain an excess of water?—Yes; the exact percentage, I believe, was 21½ of water.

678. What was the result in that case?—The magistrates convicted; whereupon the society appealed to the Court of Queen's Bench, and the Court of Queen's Bench sent the case back again to the magistrates at Huddersfield, for them to say whether, in their opinion, the difference between 16 and 21½ per cent. of water had been fraudulently added.

679. What was the result of that further

Mr. *Kilbride*—continued.

trial?—The magistrates so held. How they knew it had been fraudulently added I do not know.

680. Do you remember a case where a Manchester grocer was fined, in December 1892, for selling butter containing 23 per cent. of water?—Yes.

681. Was that salt butter?—Yes.

682. Have you any remark to make to the Committee in connection with that case?—That was the first case in my recollection that had occurred in Manchester. That was the beginning of the water in butter question in Manchester.

683. As a result of the proceedings in that case, did the wholesale butter merchants in Manchester interview the sanitary committees of the Corporations of Manchester and Salford to explain their position?—There were a number of summonses pending at the time of the conviction in that particular case, and the wholesale merchants, knowing, so far as they were concerned, that they had nothing to do with this alleged excess of water, that they neither put it in nor connived at it in any way, requested an interview with the Corporations of Manchester and Salford, at which they explained the position to them, and showed them that there was a very large quantity of this salt butter then in stock with customers who had bought it in the previous September and October for keeping purposes; and that if convictions were to be got for 21 and 22 per cent. of water, thousands of pounds would be lost in connection with the butter, because, of course, it could not be sold in the face of those proceedings. Accordingly, they requested the Corporation of Manchester and the Corporation of Salford to give them three months in which to allow their customers to use up this butter, and they pledged themselves, in the meantime, to move the Danish Government, the Swedish Government, and the Irish Government to endeavour to reduce the percentage of water in butter, and also to bring

Mr. *Kilbride*—continued.

about some sort of standard that could be recognised as a fair and reasonable one by the trade.

684. As the result, was there a correspondence with the Danish and Swedish Governments?—Yes.

685. And also, did a deputation of butter merchants wait on the Chief Secretary for Ireland at Dublin Castle?—Yes.

686. That was in the year 1893, I think?—Yes. I would like to say here that the merchants of Manchester were extremely grateful for the very handsome and considerate manner in which the Corporation of Manchester received their suggestions.

687. About that time did the South of Ireland Butter Merchants' Association in Limerick begin to send samples weekly for analysis?—Yes; but prior to that a deputation of merchants interviewed the Chief Secretary at Dublin Castle, when they explained the whole situation to him, and asked him to endeavour, by correspondence with Somerset House, to fix a reasonable working standard. Somerset House replied shortly after, and I have here a copy of their reply; I will not go into the whole of it: "It was pointed out to them (the deputation) that the administration of the Sale of Food and Drugs Act, 1875, rested with the local authorities; that is, as regards Ireland, with the grand juries; and a promise was given that whenever grand juries appointed members of the Royal Irish Constabulary to act as inspectors under the Act the Government would offer no objection to their employment." I may say that at that time the Sale of Food and Drugs Act was a dead letter in, I think, the whole of Ireland; at any rate, outside the large cities.

Mr. *Jeffreys.*

688. What year was that?—January 1893. There was not a single food inspector anywhere in Munster at that time, with the exception, I believe, of the cities of Cork and Limerick.

Mr. *Kilbride.*

689. Will you continue the quotation from the letter from Somerset House?—"The Commissioners, in reply, forwarded a memorandum from the principal of their laboratory, who gave it as his opinion that it is not expedient to fix by law what percentage of water in butter constitutes adulteration; the addition of water to butter already manufactured is an offence against the law; a certain proportion of water used in the process of washing is retained by the butter, and the retention of an excessive quantity as the result of unskilled labour, and without any intention to defraud, would not constitute an offence under the Act of 1875. It is a matter for the discretion of magistrates to say how far an excessive quantity of water in butter is the result of want of skill in the manufacture, without an intention to defraud. The Commissioners of National Education have also been communicated with, and have submitted a memorandum from the superintendent of the Albert Farm at Glasnevin, strongly deprecating the proposal to fix a standard, as being prejudicial to the interests of the consumer, as well as the producer." That

Mr. *Kilbride*—continued.

was the reply from Somerset House to the Chief Secretary at Dublin Castle.

690. About that time, in September 1893, did the Manchester Corporation take samples of butter?—Yes, after giving us six months' grace from our interview with them.

691. And did they summon six grocers for an alleged excess percentage of water, varying from 21½ to 26 per cent.?—Yes.

692. Will you explain the result of those cases to the Committee?—Out of six summonses, there were two of them in which the excess was stated by the city analyst of Manchester to be 21½ per cent.; but the analyst for the defence made one of them to contain 19½, and the other 18, per cent. By this time the trade in Manchester had obtained a great deal of information with regard to the quantity of water that there might honestly and reasonably be in butter. The South of Ireland Butter Merchants' Association had been taking a lot of samples, beginning in March 1893, every week, from the butters that they bought in the markets which they frequent; they took those indiscriminately out of their purchases, and sent them to Professor Tichborne, of Dublin, for analysis. The object of that was to obtain information, so as to give them some kind of idea of what would be a fair and reasonable quantity of water in butter made under varying conditions, and all kinds of temperature. Accordingly, when the summonses were issued, the trade felt that a 15 per cent. maximum for Irish salt butter was utterly out of the question; that it could not be made with that percentage.

Mr. *Kennedy.*

693. That it could not be?—No, not all the year round; some part of the year it could be made. We found, as the result of analysis of about 350 samples which had been sent up (the largest number of samples that had ever been analysed by any butter centre out of Denmark), that, in 1893, 80 per cent. of them contained moisture above 15 per cent. That was an intensely hot summer, and the trade contended that the heat was responsible for the very large percentage of water that was in the butter that summer.

Mr. *Whiteley.*

694. Why?—Because they cannot get the water out of the butter in intensely hot weather in Ireland, as they have not got ice to cool the cream, and also, in that season particularly, in a great many cases, the farmers' wells and springs were dried up, and they had to fetch water considerable distances to use in the dairies, and by the time the water got to the dairies, in a great many cases, its temperature had been raised 5 to 10 degrees. We have evidence of that given in a very dry——

Mr. *Kilbride.*

695. As the result of those cases in Manchester, did it turn out that there was a considerable difference of opinion between the Manchester public analyst and the analyst that your society employed?—The difference was that our analyst in Ireland, who, from dealing with

Mr. *Kilbride*—continued.

with Irish butter had more knowledge of it, contended that anything under 20 per cent. would not be a workable standard to apply to Irish salt butter, whereas the English analyst drew the line at 15 per cent.

696. But, as a matter of fact, did not the Manchester public analyst differ from the Irish analyst, to the extent of 2 per cent. of water in the butter, as to the exact ingredients of the samples that were sent?—That was the case with regard to the sample which formed the test case; the Irish analyst brought it down to 19½ per cent., and then, that coming below the line of demarcation set up by the trade as their maximum, they fought the case on the 19½ per cent.

697. As a matter of fact, the trade, having acquired that knowledge, the trade say in Manchester that for Irish salt butter any standard under 20 per cent. would be unfair to the Irish producers?—I think that is the consensus of opinion in Manchester and is generally held.

698. There is no legal standard of water in butter established, is there?—No, only what the analysts are endeavouring to set up.

699. And do you say that the effects of temperature and different modes of manufacture would determine considerably the amount of water that butter might contain without any fraudulent intent?—I am not a butter manufacturer, but that seems to be the general opinion of everybody connected with the butter trade, both merchants and farmers.

700. Were not some extraordinary statements made on that occasion by the analysts in regard to the effect that temperature has on moisture in butter?—Yes; they contradicted each other most terribly.

701. Could you tell the Committee what those different opinions were?—I might state that the prosecution had four analysts and three butter experts on their side, while the defence had three analysts, two butter buyers connected with the wholesale co-operative society, two managers of the largest retail co-operative societies in Great Britain, six wholesale butter merchants, and several large retail grocers. In addition to all those witnesses, the defendants had the evidence of two county magistrates, both practical butter makers, one of whom turns the milk of 800 cows into butter. So that every branch of the trade capable of giving expert evidence was called into requisition; and the trial lasted five days, counsel being engaged on both sides.

702. Did not the prosecuting analyst, on that occasion, use these words: "On a warm day, the water would be more likely to come out of the butter"?—Yes.

703. Did another analyst, on behalf of the prosecution, say, "he did not believe that a high temperature might considerably increase the quantity of water in butter"?—Yes, I was in court, and heard that.

704. Did not Professor Long say, on that occasion, "All high temperatures have a material bearing on the amount of water that would be left in butter"?—Yes.

705. So that there was contradictory evidence?—Yes.

Mr. *Kilbride*—continued.

706. Can you tell the Committee what was the evidence of Professor Tichborne and others on that occasion?—Professor Tichborne declared that "the higher the temperature the more difficult it is to get the water out." Mr. Harrington, analyst for the county of Cork, declared, on behalf of the defendants, that he "had no doubt that it would be most difficult to get water out of butter at a high temperature, and difficult to manipulate the butter without the aid of ice. In a high temperature he would not be surprised to find the percentage of moisture to be very high;" and he "did not believe that butter which contained over 20 per cent. of moisture was adulterated." A sample he received, which had been made in August 1893, by the most improved appliances, and with special machinery for extracting the moisture, "sent him by a Cork butter merchant," contained over 18½ per cent.; and it was made under much superior conditions to those that the ordinary farmer could possibly make his butter under. Mr. O'Mahoney, analyst for the city of Cork, declared "that a man doing his best to extract the moisture out of butter in hot weather, even with perfect appliances, might possibly leave in 21½ per cent. of water unless he had ice. That ordinarily 19 per cent., with 1 per cent. of grace, would be a fair standard; and 17 or 18 per cent. is too low a standard." Of course, he meant for ordinary Irish salt butter.

707. What is the result of over-working butter with the view of getting water out?—I have always heard that it practically makes it unsaleable. You reduce the butter to a pulpy consistency, more of the texture of grease, and the consequence is that the public do not care for it; it only becomes fit for confectionery purposes instead of table use.

708. Is it not the fact that in over-working butter you break the grain of the butter?—I have always understood so.

709. And that, in consequence of the grain of the butter being broken, the substance left resembles lard more than it does butter?—Practically that is so.

710. And, so far as the public eye is concerned, it is not so appetising, and, therefore, the people will not buy it?—It is practically flavourless. I am not a chemist, but I believe the volatile acids escape from it under the pressure of the working and the heat.

711. When you said it would represent grease, what you meant was that, in your opinion, grease and lard are practically the same thing?—Practically the same, from a butter standpoint. I would regard a product of that kind as being like either grease or lard.

712. Was Captain Sandes examined at Manchester on these trials?—Yes.

713. Will you tell the Committee what was his position?—He is a very large landed proprietor, at Tarbett, in Kerry; he is a B.A. of Cambridge, a county magistrate, and he started a creamery for the benefit of his own tenants some years ago. He receives the milk of about 800 cows into his creamery. In August 1893, he could not manage his butter at all; it came out of the churn more like oil, as he described it, than

Mr. *Kilbride*—continued.

butter. Instead of coming out in a granular form, about the size of peas or shot, as it ordinarily would, it came out really like the consistency of porridge; he could not work it; and after doing the very best he could with it, he sent it to a Mr. Gibson at Limerick, who is a butter merchant. This Mr. Gibson has machinery, which he uses for various purposes in connection with butter. He requested Mr. Shaw, a large bacon curer in Limerick, to permit him to put the butter into his ice-house, or refrigerator, to make it firm. After it had been there a night, I think, or two nights, Mr. Gibson took it to his establishment and he worked 27 lbs. of moisture out of every 112 lbs. of the butter, which is about 24 per cent., and he must have left behind at the least 12, if not 14, per cent.; therefore, there would have been in that sample originally 36 or 38 per cent. of moisture. And if Captain Sandes had got the world for it, he could not have turned out a better article before he sent it to Mr. Gibson. That was his evidence.

714. And this butter of Captain Sandes was made with all the latest appliances and the best machinery, I understand?—Yes.

715. And that excess of water in the composition of the butter was altogether due to the temperature at the time?—That was the general belief.

716. That was the opinion of Captain Sandes himself?—Yes, that was the opinion of Captain Sandes himself, as the result of his practical working and practical experience.

717. Did a Mr. McElligott, of Listowel, give evidence at the trial in Manchester?—Yes; he was another magistrate, and he makes a considerable quantity of butter himself, but not in a creamery; it is made in his own private dairy. Mr. Stokes, of Limerick, who is the representative of the Wholesale Co-operative Society there, and their agent, together with the honorary secretary of the South of Ireland Butter Merchants' Association, visited Mr. McElligott's dairy for the purpose of seeing the butter made, and they took samples of it away; they saw all the processes performed, and everything was done with every appearance of honesty. They took a sample of the butter, and sent it to Professor Tichborne, who found it contained 20 per cent. of moisture; and that butter was made in October.

718. And was it made with the very best modern appliances?—No; the only thing that Mr. McElligott had, as compared with an ordinary farmer, was that he had a butter-worker, which is the best machine for extracting moisture out of butter that I believe is known in the dairy world at the present time. His dairy is very exceptional compared with that of the majority of the farmers in the south of Ireland; in fact, I do not think you would get 5 per cent. of the dairies in Ireland, outside the creameries, equipped with butter-workers.

719. Is it true that the dairy, as a rule, is very small, and that Mr. McElligott is exceptionally circumstanced?—Yes, he has great advantages over the majority of farmers. I may tell the Committee what occurred in connection with that case. A few weeks before he had his butter

Mr. *Kilbride*—continued.

analysed, he had been on the bench and fined a man for 17 or 17½ per cent. of water; but he declared in Manchester that he would never fine a man again for anything under 20 per cent.; he knew that he made his own butter honestly, and, therefore, he could not consistently fine a man for anything under 20 per cent. in future.

720. The butter you are talking about is not a butter that is sold in London, is it?—No; scarcely any of it.

721. It is a butter that is sold in Lancashire, in Yorkshire, and in Wales, principally; that is to say, in manufacturing districts?—Yes, in the manufacturing districts.

722. Is it not the fact that in those manufacturing districts the artisans prefer this Irish salt butter to either English fresh butter or Danish fresh butter?—They like it, in a great many cases.

723. Would you say why?—I have always understood that owing to their working in a heated atmosphere in the mills, and breathing an atmosphere impregnated with oily smells, they come out more or less jaded from the mills, and they like something appetising, or, as they say in Oldham, something with a grip about it; hence they like this salt butter. In addition to that, it is 2*d.*, and frequently 3*d.*, a pound cheaper than Danish, or any other mild butter.

724. Now, in order to keep butter of that class, which is supposed to keep from three months to four months, how much salt would you say ought to be used; what percentage of salt ought to be used to preserve the butter?—Right through the country the idea is that about 5 per cent., 4 or 5 per cent., of salt is requisite to keep butter for three or four months.

725. With an addition of 5 per cent. salt, how much moisture would that add to the butter?—To keep it in solution it requires 15 per cent. of moisture.

726. To keep 5 per cent. of salt in solution requires 15 per cent. of moisture, you mean?—Yes.

727. That is not the question I asked you; the question I ask you is this: With an addition of 5 per cent. of salt, what increased percentage of moisture does that add to the butter?—Except that some of the salt disappears in the process of making, and will take away some of the moisture with it, I should say that it would at least run it up to about 20 per cent. But in all butters there must be moisture, although one of the analysts for the prosecution in Manchester said that water "was not essential to butter." So that there would be at least 7 or 8 per cent. of moisture in any butter, I should say, naturally; it would not be butter if it did not contain some 7 or 8 per cent. of moisture. Then with, as you have said, 15 per cent. added in the shape of brine, you run up to the region of 21 or 22 per cent.

728. Is it not the general experience in the trade that butter made with dry salt will not keep as long as butter prepared with brine?—That is the general experience.

729. Is it the general experience of the trade that butter made with brine will necessarily contain a higher percentage of water than butter

Mr. *Kilbride*—continued.

butter made with dry salt?—I would not care to answer that question, because I really do not know from my own knowledge; but I think it is so.

730. Are you aware of the fact that the system of preserving butter in the north and south of Ireland differs somewhat?—Yes; they use nothing I believe in the north of Ireland but dry salt.

731. And brine is largely used in the south?—Yes.

732. Did not Professor Tichborne say in his evidence in the Manchester butter trials, that in order to prevent butter becoming rancid after three or four months, it was necessary to preserve it with brine and not dry salt?—Yes.

733. Can you give the Committee any information as to what he stated on that point, and why he came to that conclusion?—He said that in butter there is curd, and that this curd is a kind of animal matter; that dry salt would not permeate the curd, and that therefore butter cured with dry salt sets up rancidity much sooner than would be the case with butter cured with pickle, because the pickle penetrates the curd; it gets thoroughly into it. He gave that as the reason why pickle is to be preferred for preserving purposes to dry salt.

734. So far as the trade are aware, is there any other country that produces butter that will keep as long as Irish salt butter?—I never heard of one, although Professor Long said in Manchester that the Danish butter would keep from three to four months.

735. Is there Danish salt butter?—I never heard of such a thing in the trade. I believe that a kind of Danish salt butter is sent to Scotland, but it is not held in high esteem in Lancashire and Yorkshire; the Lancashire and Yorkshire folk would not look at it I am told.

736. Is it the fact that the trade in Manchester find that Danish salt butter will deteriorate in a week?—There is no such thing as Danish salt butter in the sense in which we use the word in Manchester. Danish butter will not keep in thoroughly good and sweet condition even in the winter for more than from 10 to 14 days. In fact the custom is this: buyers come to the market, say to-day (Tuesday is the great butter market day in Manchester), and they buy what they want for this week, and no more, unless they expect a scarcity, or, perhaps, a possible rise in price; because they know from experience that there is a slight deterioration visible in the butter in seven days, even in the winter. Consequently, we would not call that salt butter at all; we would call it mild butter.

737. Can you give the Committee any evidence as to how much salt is used in what is known as Danish salt butter?—I do not think that more than about 2 per cent. is used at the time of its manufacture, and on analysis, probably, it would not contain more than 1 or 1½ per cent. I do not know, but that is my impression.

738. So far as the trade in the north of England is concerned, would Danish salt butter, that is to say, what has been spoken of here in evidence as Danish salt butter, be described as mild butter?—Yes.

739. Is it almost as mild as English fresh butter?—Very nearly; in fact I get Danish butter myself which, I would say, would be quite as mild as any English fresh butter.

740. How long will Danish butter keep in winter-time in sweet and good condition?—I know, from my experience, if I have it unsold from one Tuesday to another, that the majority of men that come in the following Tuesday can detect its staleness, and will expect me to sell it 3*s.* to 4*s.*, or perhaps 5*s.* a cwt. less.

741. Have not the analysts stated that 12 per cent. of moisture is quite sufficient, and is the usual amount found in butter?—That is so.

742. Can you give the Committee any evidence as to what percentage of Danish butter imported into England comes within that standard?—Only 3 per cent. Out of 2,091 samples analysed at the laboratory at Copenhagen, there were only 62 that came up to 12 per cent.; the remainder varied from 12 to 19·99 per cent.

743. What is the variation?—97 per cent. of the butter contained water from 12 to 19·99 per cent., which is practically 20 per cent.; and if a 15 per cent. standard were established that would shut out from 35 to 36 per cent. of the choicest Danish butter coming into England; it would shut out 60 per cent. of Irish salt butter, and it would shut out from 22 to 23 per cent. of the best English fresh-made butter.

744. Has Danish butter been found to contain as high as 24 per cent. of water?—Yes.

745. Was that a sample of Danish butter analysed in this country?—Yes, within the last six months. A friend of mine in Manchester who practically does no trade in Irish salt butter, but is one of the largest importers of Danish butter in Manchester, had Danish butter, he told me, last October, with 24 per cent. of moisture in it.

746. Is it a fact that only in exceptional cases moisture can be reduced to 12 per cent. without seriously injuring the quality and value of the butter by over-working?—That is the general belief in the trade and it is the contention of farmers. I believe it to be quite right.

747. Has it been found that English fresh butter contains 15, 18, 20, and even as high as 25 per cent. of water?—That is so.

748. Have you any analysis that will show that?—We heard a great deal during the progress of the trials in Manchester about the low percentage of moisture in English fresh butter, and although it was in winter, in the month of January, we determined as well as we could to get some samples analysed of English fresh butter; they were taken from Lincolnshire, Shropshire, Lancashire, Derbyshire, Cheshire, and the immediate counties, and we found them to vary from 8·87 to 25·73 per cent. They were sold in the public markets in those counties in January and February.

749. What was the highest percentage?—25·73; and that was a case, if I might refer to it now, of butter that was taken from a farm within a short distance of Manchester, and the farmer was selling it at 1*s.* 6*d.* a lb. all the year round to the person to whom he supplied it. It was made in January or February; I have the analysis of it here.

Mr. *Kilbride*—continued.

750. Are you aware that at the Royal Agricultural Society's Show in Dublin, which was held in April 1894, butter churned at 70 degrees of temperature, and made with the best modern appliances, was found on analysis to contain as high as 24 per cent. of water?—Yes, I believe that is so.

751. Have you anything to say to the Committee in connection with that case?—I have a letter here written to the late Canon Bagot, who took great interest in the butter business; when we heard about this case we wrote him, and we asked him five questions, (1) The temperature at which the cream was churned; (2) Was ice used, or ice-cold water, when the butter was formed in washing; or (3) Was it washed; (4) Was a butter-worker used to extract the water, or what was used; and, (5) Was it 20 per cent. or 24 per cent. of water that was found on analysis? And this is his reply very briefly: "I believe it was a high-speed churn;" that is a new churn that had just been brought out, and exhibited at the show as one of the latest and best that could be offered for making butter; and the cream was churned at a temperature of 70 degrees, which was not at all an abnormal temperature in the summer of 1893, as we all know. Ice was used for the second experiment, of which he did not give the particulars, to lower the temperature of the cream to 54 degrees; then he said it was analysed by Mr. Morse, and he heard that it contained 24 per cent. at the 70 degrees temperature, but on that point we should be very glad, for the elucidation of this question, if the Committee would call upon the secretary of the Royal Agricultural Society of Dublin to give the particulars, because I believe he can give the exact facts.

752. Did not Professor Long, writing to the "Manchester Guardian" on the 22nd August 1893, say that butter might contain from 8 to 22 per cent. of water?—Yes, he admitted that in court.

753. Did not a French writer, quoted by Professor Carroll, of Dublin, in March 1893, say that butter might contain from 5 to 30 per cent. of moisture?—Yes, I have the extract here.

754. And that butter containing such an abnormal percentage as 30 per cent. would not be adulterated?—I do not think he said that.

755. Would that be the inference to be drawn from the statement?—If the Committee will allow me to read the extract, I will show what this French writer said on the authority of Mr. Carroll; it is not very long; I will just give the extract itself: "In the present condition of science and law, exposure of the numerous deceits of which ordinary butter is the object, presents very grave difficulties, too often quite insurmountable. This position, the seriousness of which is evident to all, is intolerable, and I think it is time to engage actively all those who suffer from it to unite not only to help the scientific to perfect their methods, but more especially to oblige the Legislature to decree measures necessary to expose and to banish the frauds." Then the writer went on to say, "Water varies in pure butter with season, temperature, mode of making, freeing from milk, and preserving, in the remarkable range of about 5 to 30 per cent. What ought the chemist to do when he finds himself confronted with samples whose proportion of water is more than about 15 per cent? Many chemists', English, German, Dutch, &c., laboratories declare them adulterated, the proportion of water allowed by them being not more than 12 per cent. Others from the same countries admit a proportion of water reaching 15 or 16 per cent., the figures allowed in France, America, Switzerland, &c. Finally, many analysts of not the lowest standing are unwilling to give a verdict when there is a question of 20 to 25 per cent. Who is wrong; who is right? Every one and no one. In a word, if it is wrong that the customer should pay too dearly for a substance of no value (water), and possibly even very injurious, while he parts with his money, because he believes he is getting pure fat, it is no less wrong that chemists or chemical societies, of whatever eminence they be, should assume to themselves the right of fixing limits, a right which belongs to the Legislature."

Chairman.

756. What is the name of the person who makes that statement?—That was quoted by Professor Carroll.

757. From whom?—I cannot tell you. This is what appeared in the newspapers, and has not been contradicted. It was produced at the Manchester trials, and I believe Professor Carroll has been communicated with about it. He took it from some French journal connected with the dairying industry; "La Laitière" I think.

Mr. *Kilbride.*

758. Do you think that the result of fixing a 15 per cent. standard would be to shut out from 20 to 25 per cent. of English fresh butter, 36 per cent. of Danish, and 50 to 60 per cent. of salt Irish butter?—Yes.

759. And may we take it that you are of opinion that considerable allowance should be made for differences of moisture in butter made on the Continent that is only made to keep fresh for a week or two, and is known only to keep fresh and sweet for a week or two, and Irish salt butter which is made to keep for three or four months?—That is so.

760. Can you tell the Committee what, in your opinion, would be a fair difference to allow between the two qualities of butter?—According to our experience, I think that ordinary salt butter should at least get something like 20 per cent. allowed for it as compared with mild butter, because in the trade we would call Danish butter mild butter; and if 36 per cent. of choicest Danish butter contains moisture varying from 15 to 20 per cent., and is made under the most favourable circumstances of any butter produced in Europe, made under the assistance, the encouragement, and support of the Danish Government, I think it is not unreasonable under the conditions we have in Ireland to expect that our butter, especially as it is salt butter, might legitimately contain 20 per cent., and

Mr. *Kilbride*—continued.

and be honestly made. We believe that, and hence we have defended it.

761. Have you any specific proposal to make to the Committee in regard to amendments that ought to be made in the Sale of Food and Drugs Act, 1875?—Yes.

762. Will you enumerate them, if you please?—As regards Section 10, the recommendation of the Manchester Chamber of Commerce is, that analysts should be paid a larger proportion of their remuneration as an annual salary by the municipalities or other bodies employing them, and a smaller proportion by fees. As regards Section 14, they suggest that, instead of the article being divided into three parts, it should be divided into four parts, one of which should be at the disposal of the wholesale vendor if required; and that the necessary alterations should be made in Sections 14 and 15 resulting from this change. Perhaps I had better explain to the Committee why we wish those alterations. With regard to Section 10, there is a feeling that analysts can hardly be said to be quite disinterested on these controverted points between themselves and the trade from the way in which they are remunerated at present; and we think that, say, in the case of a large corporation like Birmingham, Glasgow, Liverpool, Manchester, or London, if he, being a permanent official, say, like the town clerk, got a salary, it would be more satisfactory to the trade. We are not making any charge against the analysts; but seeing that they have the power under the existing Act to draw the limits very close and very fine, there might perhaps be a little tendency to draw them a little too close.

763. Passing from that, what is the next recommendation that you have to make to the Committee?—In Section 22, at line 3, to delete the word "may," and insert the word "shall," and on the same line to delete the words "in their discretion." In Section 23 seven days, we think, should be allowed for giving notice of appeal, instead of three days, as provided in the Act. At Section 25 invoices, contract notes, specifications, or equivalent documents, should be accepted as sufficient warranty for articles specified when given in the United Kingdom. We also offer the following general suggestions: (1) That, in cases where the defendant is acquitted, his costs should be refunded; (2) that it ought to be lawful to use 5 per cent. of beef stearine in lard for stiffening purposes, for six months say, from the month of April to the month of September; (3) that analyses of perishable goods should be completed within 14 days, and in every case the vendor should forthwith be informed of the result; (4) that the analyst in every case should give a full and specific report of the analysis, and no opinion of the analyst should be added to his certificate unless articles be found in the subject of analysis injurious to health; (5) that the analyst on whose report the summons is issued should be present, when necessary, to give evidence, without charging costs to defendant, unless the defendant is convicted; (6) that the certificate of an analyst for the defence should be placed on a similar footing of legality in any prosecution as the certificate of the prosecuting analyst.

Mr. *Kilbride*—continued.

764. Just a moment; with regard to the fourth suggestion which you made under the head of general suggestions, is there any particular reason for that fourth suggestion?—That had been arrived at deliberately, several months ago, at a meeting of the produce section of the Chamber of Commerce of Manchester; and I would like to draw the attention of the Committee to some circumstances that have occurred recently, which show very clearly the necessity for an alteration in this matter. There is an analyst in the north of England who is adding to his observations on his certificates at the present time remarks founded, or supposed to be founded, on the evidence already given before this Committee by Mr. Bannister, of Somerset House; and I will just read what he has said in one or two cases recently. In his observations he says: "Mr. Richard Bannister, Deputy Principal of Somerset House Laboratory, in his evidence before the Select Committee on Food Products Adulteration last Session, stated that 16 per cent. of water was the maximum quantity allowable, even in salt butter." I have written to Mr. Bannister about this, and he referred me to his evidence, and stated the questions where I would find what he did say on this question. He writes as follows: "28th February 1895. 'Dear Sir, If you have at hand the Blue Book, No. 253, on Food Products Adulteration, and will refer to Questions 2727, 2728, 2729, 2730, 2808, and 2809, and my answers to them, you will see what I said about a standard of moisture for butter. I have nothing more to add to what I then said; and I can only hold myself responsible for my own statements, not for those of others."

765. I think, as a matter of fact, when Mr. Bannister gave evidence last year, he stated that Somerset House was opposed to establishing a standard of water in butter?—I gathered that clearly from his evidence. I have the permission of Mr. Bannister to read the letter just read and another received last night, in which he says: "You are at perfect liberty to refer to the correspondence you had with me respecting water in butter, when giving your evidence to-morrow. I may say that Mr. Kilbride referred to the matter on Wednesday last when sitting on the Committee, and directed attention to the misrepresentations made, as reported in certain journals." There have been two or three such cases within the last month or six weeks, and I am authorised by the wholesale merchants of Manchester to draw the special attention of the Committee to this matter. We consider it very unfair that certificates should be buttressed up by observations of this character, whilst this matter is what I may call *sub judice*.

766. Will you now go on with your general suggestions?—(7.) That retailers should have the onus put upon them of satisfying the court that they believed the guarantee was genuine.

767. Is there any particular reason for that suggestion?—Yes.

768. Will you tell the Committee what it is?—It is this: A man may buy butter, and, according to his knowledge of the trade, he ought to know that at the price he has paid for it he could

Mr. *Kilbride*—continued.

could not be getting a thoroughly pure article. He buys it, and the seller gives him a guarantee with it; and as long as he gets the guarantee he waives altogether the knowledge that he must have in the trade of what is in all probability the reasonable constitution of that article.

Mr. *Kearley.*

769. Do you suggest that the guarantee is a cloak for fraud?—In some cases, yes.

Mr. *Kilbride.*

770. Now, will you go on with your suggestions?—(8.) That powers should be included in the Act to enable proceedings in one court to be transferred to another wherein a stipendiary magistrate sits. (9.) That the defendant who relies upon his warranty should be required to intimate the fact to the local authorities within three days after being informed by them that the sample in question is adulterated. (10.) That any premises where butter and margarine are blended should be considered manufactories of margarine, according to Section 9 of the Margarine Act, and should be registered as such, and be liable to inspection. (11.) That better provision should be made for testing foreign goods at the port of entry by the Customs or other Government officers. Then, further, we make the following general suggestions with regard to the Margarine Act, 1887: (1.) That no proceedings be taken under Section 6 of the Sale of Food and Drugs Act in respect of the article butter, as defined in Section 3 of the Margarine Act, 1887. (2.) That whenever inspectors take away samples for testing purposes they should be required to pay for them. That exhausts the list of recommendations.

771. Have you found as a fact that the Customs, in the past, have been entirely impassive to all the representations made to them about taking samples of foreign produce when brought into this country, either as margarine, or supposed to be butter?—Individual merchants in Manchester have communicated with the Customs from time to time, but they have not been in any way successful in getting them to enforce the powers that they possess under the Margarine Act.

772. Can you tell the Committee what is the result of the Manchester merchants sending Hamburg factory butters, a few years since, for analysis?—There was a suspicion amongst the wholesale merchants in Manchester, in 1892, that Hamburg factory butter was not pure; they had an idea that it was not pure, and a majority of the principal merchants in Manchester one Monday morning agreed to visit each other's premises, and take samples of the goods that were coming in that morning from Hamburg. Eleven samples were taken, and sent to different analysts in various parts of the country; six of them were proved to be adulterated with foreign fat, varying from 12 to 25 per cent., and the other five were pronounced by the analysts to be doubtful; not one of them was certified to be a pure butter.

773. Was there any conviction obtained in Manchester about a year ago in connection with that?—Yes, in connection with the sale of Hamburg butter, a wholesale house was visited by the sanitary inspector, and samples were taken and analysed; the analyst at Manchester certified that the samples contained 18 per cent. of foreign fat, while the percentage found by the analysts on the other side was practically the same.

Sir *Charles Cameron.*

774. You said a wholesale house?—Yes; wholesale premises can be visited under the Margarine Act.

Mr. *Kilbride.*

775. Will you tell the Committee what was the price of that Hamburg butter?—I can only speak from recollection; I think it was something like 15*s.* a cwt. under the price of choice Danish butter on the same day.

776. Is it the fact that, notwithstanding that prosecution, that Hamburg butter is still going into Manchester and with the brand "guaranteed pure"?—Yes.

777. And supposed to be exactly the same article. Is it supposed by the trade that there has been no improvement in the composition of it?—We are not aware of any. I would like to say, with regard to that Hamburg factory butter, that a very large number of the houses in Manchester stopped selling it when they found that it was adulterated. A few others have been doing a very large trade in it ever since. Some houses gave it up altogether, and I know houses who have not sold Hamburg factory butter for the last three years; they will not touch it.

778. Have you any recommendations to make to the Committee respecting butter factories and creameries where butter is made?—I think they ought to be open to inspection like margarine manufactories.

779. Would you prohibit the manufacture of margarine and butter on the same premises?—Yes.

780. Why?—Well, because of the temptation that it offers to people to adulterate. There is no necessity for it. If a man wishes to make butter he can make butter, and if he wishes to make margarine he can make margarine.

781. As the selling of margarine for butter is, in the majority of cases, a deliberate act, do you recommend imprisonment without the option of a fine?—On that point I do not speak the views of the Chamber of Commerce of Manchester.

782. What is their opinion?—It is divided; it is about equally divided. One section of the trade would go for imprisonment.

783. Without the option of a fine?—I do not say that.

784. There are two opinions in the Chamber of Commerce, you say, on this question?—Yes.

785. Will you tell the Committee what the opinion of each section is on this matter?—There have been some meetings of the Chamber of Commerce in Manchester about this question; and the greater portion of the time of those meetings was occupied in connection with the colouring or non-colouring of margarine, and, as a matter of fact, the question of imprisonment did not come up at the meetings at all. But I do know that a very large number of people connected with the wholesale trade who recommend that margarine should be sold in its natural colour

Mr. *Kilbride*—continued.

colour, are also in favour of imprisonment of any person convicted for selling margarine as butter, after a second or third conviction. And that is my opinion too.

786. Can you tell the Committee what is the law in America with regard to hotels and restaurants where they supply their customers with margarine instead of butter?—I only know from reading, that in several of the States the fact of selling or using margarine in hotels or restaurants has to be notified by some means, by advertisement in the hotel, so that the attention of the people is drawn to it. I do not know whether that is the universal law of the American States, but I believe it is the case in some.

787. Do you recommend that margarine should be sold its natural colour?—I do. That is the point where the trade is divided in Manchester; it is just about half and half.

788. Is it the fact that in a recent case where butter was asked for, and where the purchaser was supplied with margarine, the defence afterwards was that a mistake was made on the part of the vendor, because he could not distinguish between the margarine and the butter, because they were so alike in colour, although he did not intend to defraud the customer?—A case is reported in "The Grocer," of 9th February 1895, where the assistant said that, as the two articles were so much alike in colour, he made a mistake and sold the margarine for the butter.

789. Can you tell the Committee what is the commercial value of margarine relatively to butter?—You can buy margarine for about 3*d.* a lb. wholesale, and you can go up to about 54*s.* or 56*s.* a cwt. for it. If you take what we call in the trade "mixtures," you can go to any price you are prepared to pay, even almost to the price of pure butter; you could go up to 80*s.*, 90*s.*, or 100*s.* a cwt.

Sir *Charles Cameron.*

790. For margarine?—What the law would call margarine, but what the trade would call mixtures. I know a case two years ago in Manchester, where the wholesale price of a certain make of mixture was 103*s.* a cwt., that is, 11*d.* a lb., and 99 people out of every 100 in the trade would certainly say, without knowing what was the fate of that article, that it must have been sold for butter. It would never sell as margarine and cost that money.

Mr. *Kilbride.*

791. Is the reason that you are in favour of the law being made very stringent, and why you think the law requires to be made very stringent, owing to the enormous profit that can be made by selling margarine or adulterations as butter?—Not so much because of the profit, though that is one element of the case; but because it is a fraud; it is an offence against the law, and it is most unfair to people who endeavour to sell margarine honestly. As it is, the honest dealer is entirely handicapped if he is trying to sell margarine as such against the man who will not scruple to sell it as butter. And, on the whole, the very people on whose behalf the Act has been passed are the greatest sufferers of all, because they have to pay 3*d.* or

Mr. *Kilbride*—continued.

4*d.* a lb. more for margarine than its real commercial value, and sometimes even 6*d.* a lb. more. There was a case, for instance, at Gloucester, a fortnight ago, where a man was fined 50*l.*, which is the highest penalty that was ever inflicted under the Margarine Act. According to the report in the trade journals, that article was sold at 1*s.* a lb., and contained 92 per cent. of foreign fat; there was not a single particle, I should say, of pure butter in it. There might be a small amount of butter picked up in the process of manufacture in the ordinary way; but I should think that that 8 per cent. would really have been the curd and water, and that there was not a single particle of butter fat in it at all. Now, the commercial value of that article would not be more than about 5*d.* a lb. at the outside, which would give the man a handsome profit, at 5*d.* or 6*d.*, and yet it was retailed in the city of Gloucester at 1*s.* a lb.

792. Is the colouring of margarine prohibited in some foreign countries?—I believe it is in Denmark and Italy, and in some of the American States, and some of the Colonies, and also in Russia.

793. Is it not the fact that some dealers who have been convicted and heavily fined for selling margarine as butter still persist in doing so?—That is so.

794. Is that owing to the enormous profit that can be made?—That is the only conclusion that one can come to in connection with it.

795. And because there is such an enormous profit arising out of that fraudulent trade, you would suggest that the law should be made extremely stringent?—I would suggest an alteration of the law that would enable the most ignorant person on going into a shop to recognise margarine, so that they could not be defrauded. Whatever form the law might take in that direction, I think that would be a very advisable thing to bring about. At the present time no living person, whether connected with the trade or out of it, can distinguish margarine from butter by its appearance.

796. Can you give the Committee a case in point where an expert butter buyer was deceived into buying margarine as butter in the public wholesale market, owing to the fact that the margarine was such a perfect imitation of the genuine article?—Yes; there was a case that occurred in county Clare, about two years ago.

797. Can you tell the Committee what foreign Governments have done to aid the butter industries in their countries?—I believe that in the last 30 years Denmark has spent, on an average, from 25,000*l.* to 30,000*l.* a year to improve the butter industry. I remember when Danish butter came to Manchester, about 25 years ago, that it was practically unsaleable, it was so bad. Now we regard it in the North as about the finest butter coming into England.

798. To what do you attribute that very great change in the quality of the Danish butter?—To the unremitting attention and the great care which the Danish Government have in every direction devoted to the business. They have large institutions with professors, assistants, and numerous teachers, for the purpose of going up and

Mr. *Kilbride*—continued.

down the country and instructing the farmers, and helping them in every conceivable way to improve the butter. They have a representative in England whose duty it is to go up and down the country, make reports respecting the quality of their butter, how the dairies are turning out; and also to see whether anybody in any part of England attempts to sell any other butter for Danish; and he has taken several prosecutions in England under the Merchandise Marks Act where people have tried to sell other butter as Danish butter, and he has had people convicted. Then they also look after the steamers for bringing the butter to England, to see that it is brought in as perfect a condition as it is possible to the country.

799. Can you tell the Committee where most of the animal fats which are made into margarine come from?—I believe that the great bulk of the oleo, as we call it, comes from America, or it used to. I do not know, but I think it comes from Chicago and New York, because the oleo is a manufactured article; it is made from the fat. The fat, I understand, has to undergo a treatment, and the product is then called oleo-margarine; and that constitutes one of the principal ingredients in margarine.

800. And, of course, there is no guarantee that that is the fat of particularly healthy animals?—Well, there is no guarantee, of course, with regard to it in that way; but I do not think there is any feeling in the trade at the present time that margarine is manufactured from anything unhealthy. There was a suspicion some years ago, because fat then was very dear; it used to be 50*s.* or 60*s.* a cwt. It was, perhaps, open to some suspicion then, that any kind of fat might have been imported into the manufacture of margarine; but I do not think there is any idea of that kind now.

801. Are you aware that some large wholesale dealers, and some large manufacturers of margarine, are entirely opposed to allowing mixtures of margarine and butter being sold?—I have heard one or two people connected with the trade say that they would be very glad if mixtures were prohibited; they think that the mixtures are the real source of fraud in connection with the sale of margarine for butter; I have heard wholesale people largely identified with the sale of margarine, gentlemen whose trade would perhaps be 75 per cent. margarine, say the same thing.

802. What is the natural colour of margarine?—I have a sample of it here, and I will show it to the Committee. (*Producing the same.*) That is the natural colour of margarine; I have had this sample analysed to see if it contained colouring, so I can speak with perfect certainty on the point.

Chairman.

803. Where was that manufactured?—I have got it privately from Holland, and I would rather, unless the Committee desire it, not mention the name.

Sir *Charles Cameron.*

804. But is that the colour of it as it is sold?—This is pure margarine, uncoloured; this is not the oleo from which margarine is made; this is the commercial article, margarine, uncoloured.

Mr. *Kearley.*

805. The manufactured article before the colour is added?—Yes.

Mr. *Whiteley.*

806. Without any butter in it?—I cannot say that; I think all margarine contains, or should contain, about 5 per cent. of butter; in the process of manufacture, I understand, you pick it up; but this is utterly devoid of artificial colour.

Mr. *Kilbride.*

807. Are you able to say whether most of the margarine sold in England is manufactured in England or manufactured abroad?—It is manufactured abroad; there is not much made in England.

808. Are you able to give the Committee relatively what the proportion of margarine manufactured in the United Kingdom bears to the quantity of margarine sold?—I think that the total number of manufactories in the United Kingdom would not exceed 10; I think there would probably be eight or ten, or, perhaps, there might be 12 manufactories of margarine in England; but in Holland there is a very large number; I should think the number in Holland now would be probably 60 or 70; at one time, I think, there were nearly 130 or 140, but the number is not quite as great as it used to be some eight or 10 years ago.

809. Would you be able to say whether the vast amount of the fraud which is carried on by the adulteration of butter with margarine is done in foreign countries, or in what particular foreign country it is done?—I do not understand the question.

810. We all know that there is a good deal of fraud carried on at present by the admixture of margarine with butter?—Yes.

811. The admixture being sold as pure butter?—Yes.

812. Could you say in what particular country that fraud has been most largely carried on; to put it differently, do you think that that fraud is not committed in England, but is committed abroad?—The fraud really is on the part of the people who sell the article; it is not on the part of the manufacturer. The manufacturer has a perfect right to add butter to his margarine, or to leave it out, as long as he sells it as margarine; and I do not think there is any imputation against the wholesale manufacturers or the wholesale merchants identified with the sale of margarine at all. There may be an occasional case where a wholesale man would sell margarine as butter. I had an overture of that kind once myself from a man who was supplying a union with margarine, and who wanted me to sell it as butter, and offered me an inducement to do so; but I am not aware of any wholesale man, either in London or Manchester, at least any wholesale man of any position or standing in the trade, who has ever sold margarine as butter. The fraud really exists on the part of those retailers who sell it as butter, that is where it comes in. Besides, the retail men have a very

good

Mr. *Kilbride*—continued.

good idea when they are buying margarine; they know what it is very well. I do not think they could be very well imposed upon, even if one attempted to do so.

813. Is it within your knowledge that certain large manufacturers of margarine supply retailers who sell both margarine and butter with a mixing machine at a very low price, sometimes gratis, and that it is the retailer using this mixing machine who commits the fraud?—I do not think that is the case in the North of England; I do not know of any case, and have not heard of any case, where a mixing machine has been supplied to retail men in the North of England; I have heard of such being done in London, but not in Lancashire and Yorkshire.

Sir *Charles Cameron.*

814. What was most wanted, you said, was a law that would enable the most ignorant person at once to distinguish margarine from butter?—Yes.

815. Have you not got that law, if its provisions were carried out?—Yes, but its provisions are not carried out.

816. But you have the law, so that you will have to modify that desire of yours; it is a fact that you have got the law?—Yes.

817. If the law were carried out, then on entering a shop you would see "Margarine" written up on anything that was margarine?—In a great many cases now, in fact I might say in almost all cases, "margarine" is written or printed on a ticket over the margarine in the great majority of shops, still much of it is sold as butter.

818. The difficulty is, of course, owing to the likeness between margarine and butter, to prevent a criminal or quasi-criminal evasion of the law?—Yes.

819. You did not make any suggestion, I think, which would get over that difficulty?—I regard it in this way; the Margarine Act was passed in 1887, and its provisions have only been very poorly complied with, or very imperfectly enforced; for a short time the Act had a deterrent effect on the sale of margarine as butter; but when we find that the fraudulent sale of margarine now is about as large in its proportion as it was before the passing of the Act, and that shows that there is some necessity for something very drastic to be done to grapple with the difficulty.

820. That is true enough; but I thought you might have some plan to suggest. I think you admit that the law, if it were enforced, would enable the most ignorant person to recognise margarine from butter; that is to say, that the most ignorant person who could read would see "margarine" written on the margarine, and on the packages in which it is sold; but the difficulty is to enforce it?—That is so; but then to enforce the law according to our idea would mean the employment of an enormous number of inspectors, and tremendous expense on the part of the local authorities, because it would practically require that you should have a policeman almost on every grocer's doorstep to see that the law was carried out.

821. It was your individual suggestion, or a suggestion on the part of one section of the

Sir *Charles Cameron*—continued.

Manchester butter merchants which approved itself to you, that margarine should be compelled to be sold uncoloured?—Yes.

822. And you thought that that would distinguish it from butter?—Yes.

823. Is not the margarine in this sample which you have produced quite as deeply coloured as many English butters?—That is so, for a short time in the year; natural butter, for about two months in the year, would certainly be as pale as that; paler, perhaps.

824. And, as a matter of fact, you allow colouring matter to be put in butter?—But that does not facilitate fraud.

825. I suppose is is simply because the people would not buy it otherwise. There is a certain difference between these two (*contrasting the specimen of margarine with a pat of butter*); but I presume this butter is coloured?—I could not say; a great deal would, of course, depend upon the class of cattle at the dairy where that butter has been made.

826. But, as a matter of fact, there is a time and circumstances under which natural butter would come out exactly like that margarine?—Yes.

827. About the fat from which margarine is made; you rather guarded yourself as to the quality of oleo-margarine employed at present?—I do not know anything about it.

828. As a matter of fact, have you heard that it is selected fat from the *omentum* of cattle?—Yes.

829. And that the greatest pains are taken by the margarine manufacturers, for their own sake, to insure its quality?—Yes; I have no reason to think the contrary.

830. You spoke about the small amount of margarine turned out in England as compared with other countries; did you mean a small amount for English consumption?—I meant the small amount manufactured, either for home use or export, in comparison with the enormous production on the Continent, and, of course, particularly in Holland.

831. Have you any idea of the amount; how much butter do you import into Manchester, for instance; not you, individually, but the butter merchants?—I think it amounts to four millions annually.

Sir *Mark Stewart.*

832. Four millions sterling?—Yes.

Sir *Charles Cameron.*

833. Have you any idea what number of tons per week that would represent, or can you give me the number of tons per year, roughly?—I should think about 50,000 tons.

Mr. *Kearley.*

834. What is the average price per cwt.; that would get at it quicker, perhaps?—Last year the average price of Danish butter from May to October was about 103*s.*; say 5*l.* a cwt.

835. That would be too high for all butters all round the year?—Yes.

836. Would 90*s.* be a fair average?—Yes.

837. Fifty

Sir *Charles Cameron.*

837. Fifty thousand tons a year, you say?—Yes.

838. That would be less than 1,000 tons a week?—Yes.

839. Are you aware that one single firm, and I believe that is not the largest, that of Mr. Mousted, has been producing 100 tons a week, and has just erected another factory to produce 300 tons a week?—I know nothing about those figures.

840. But that is not the largest factory in England, is it; there was one converted into a limited company the other day?—I do not know about that.

841. But, at all events, there must be a very considerable number of tons per week produced in English factories, judging from that figure?—I look at the question in this light. The annual value of the butter imported into England from abroad is about 12,000,000*l.* or 13,000,000*l.* That does not include the production of butter in Ireland, or in any part of Great Britain; and I think I would be correct in saying that the entire value of the butter sold in the United Kingdom annually would be about 22,000,000*l.* to 25,000,000*l.* The value of the margarine coming into England, I believe (I have the figures here), would be about three millions annually.

842. But a million money value of margarine would represent, I suppose, twice the number of tons that it would of butter?—It should represent a great deal less, if you consider that, talking of ordinary margarine, it is only worth one-third the price of butter.

843. Then it should represent three times the number of tons?—Yes.

844. This specimen which you have produced is Holland margarine, I suppose?—Yes, Holland margarine.

845. I presume that in Holland they are bound down by law not to colour margarine; is that so?—I am not aware that that is the case. I believe it is the law in Denmark.

846. Is Danish margarine, then, with this colour imported into this country?—I have never seen any Danish margarine in the north of England.

847. I presume that the fact that it is of this unpopular colour——?—I would not call it unpopular; that colour is very much appreciated by people in Lancashire.

848. In margarine?—No, in butter.

849. Then it would be rather a dangerous thing, would it not, to run the margarine to the same colour?—No; because my suggestion would be this, and it is the suggestion of the section of the trade that I represent in Manchester, that the makers of butter ought to have all the old rights and all the old privileges that they have enjoyed up to now, of colouring their butter if they like, because the colouring is not used in the manufacture of butter to facilitate fraud; whereas we contend that the colouring of margarine is intended to facilitate fraud.

850. It would not, of course, be fair to ask you to give the views of the other section?—They will be represented.

851. You mentioned the case of a wholesale house on which a visitation was made, and samples of adulterated butter were found in it, which led to my asking you, and your explaining that it was under the Margarine Act. Have the Manchester Chamber of Commerce any views as to the expediency of extending the provisions of the Sale of Food and Drugs Act so as to include the inspection of wholesale houses?—I think the whole trade of Manchester would be in favour of that; I do not think on that point there would be any difference of opinion.

Sir *Charles Cameron*—continued.

852. As a matter of fact, they are not inspected?—Not under the Sale of Food and Drugs Act. A man can come in if he likes, upon the pretext of seeking margarine, and say that he has come under the Margarine Act; but he has no right under the Sale of Food and Drugs Act.

853. But in that case the retailer is at a disadvantage with regard to the wholesale man, even in the matter of butter?—Yes; we do not object to that.

854. So that the wholesale trade in Manchester is quite willing to have that?—They would rather not be made the subject of visitations of that sort, but still would offer no resistance to it in any shape or form.

855. Do I rightly understand that, in your view, the making of mixtures, as they are called, ought to be made illegal?—If you prohibit colouring, you necessarily make mixtures illegal.

856. Is not that rather a drastic proposal?—I do not think so; I know of no other provision by which the sale of margarine for butter can be stopped, or is likely to be stopped.

857. At the present moment, a man selling a mixture with 90 per cent. of butter in it is obliged to label it "margarine," is he not?—I never heard of such a thing as margarine with 90 per cent. of butter in it.

858. Take the "Tiger" brand; say 30 per cent.; you know that?—Yes.

859. And it goes up to 50 per cent.?—Yes, you could make it with 90 per cent.

860. A man selling a mixture with 50 per cent. of butter is obliged to label it "margarine"?—Yes.

861. That is to say, he is obliged to state that it is what it is not?—No.

862. Would there be any objection to allowing mixtures of butter and margarine to be sold on the same principle as a mixture of coffee and chicory is sold, avowedly as a mixture?—Not in the abstract; but if the production of an article like this will deceive even experts, I think it ought to be put in a different category altogether to what you might do in the case of ordinary articles. There is no means by which its purity or otherwise can be established except by analysis. The law has taken away the word "butterine" from it, after allowing it for 12 years; and I think, under the same conditions, it ought to take away its colouring, because its colouring really, in the opinion of many connected with the trade, conduces to fraud, whereas the colouring of butter does not.

863. We have had your views on the subject of colouring, and I hear that we are going to have another gentleman to represent the other side; I am not pushing you on that side; I do not know whether you are both unanimous on this point, that the sale of mixtures should be

Sir *Charles Cameron*—continued.

put an end to?—No; my friend would be opposed to any alteration at all, I think.

864. That is all right, then?—We represent the two extremes.

865. It is only because you think the mixtures conduce to fraud that you would prohibit them; that is the only principle of it?—Yes, that is the only thing.

866. You said that the term butterine had been taken away; what was the exact meaning of "butterine"?—What we know now in the trade as margarine used to be called butterine before the passing of the 1887 Act; it was ticketted up, placarded, advertised, pushed, and sold as butterine; it was alleged that the word butterine facilitated fraud, because its sound gave a false impression as to the article that people got; so the Legislature took away the word butterine, although it had been in use 12 or 13 years, and employed "margarine."

867. "Butterine" was not employed to describe mixtures, was it?—I think, up to 1887, the mixture trade was not, perhaps, quite as large as it has become since; I do not think the mixture trade had reached the same big proportions that it has attained since.

868. You represent the wholesale trade?—Yes, I am a wholesale merchant.

869. And you represent them?—Yes.

870. Was the recommendation that invoices, warranties, and other descriptions should all be held as guarantees, supported by your wholesale constituency?—By the whole trade of Manchester.

871. And by the whole wholesale trade of Manchester?—I am speaking for the wholesale trade, I am not speaking for the retail trade at all.

Mr. *Channing.*

872. With regard to lables, I suppose your contention is that lables are perfectly useless?—Yes. When a man desires to sell margarine as butter, labelling it or ticketting it is practically of no use.

873. The lables can be shifted about and disposed of in any way?—Yes. I have a case here where a man in Liverpool had a very ingenious contrivance. He had the word "margarine" on some sort of a swivel and he could work it round just to suit the convenience of the purchaser. If he suspected a man coming into his shop to be an inspector, by the slightest alteration of this thing the word "margarine" came to the front; but on one occasion some short time ago the machine did not work and the inspector had him up.

874. Did I understand you to say that it was the universal custom or only the general custom of manufacturers to sell mixtures as mixtures?—That is the case with, I am certain, 99 per cent. of the wholesale trade, the wholesale merchants.

875. You say the fraudulent sale of mixtures by wholesale merchants is very rare?—Yes.

Mr. *Kearley.*

876. You gave some evidence, I understand, about water in Irish butter?—Yes.

877. You suggested that a low standard of 16 to 17 per cent. would exclude the great proportion of Irish salt butter?—It would.

Mr. *Kearley*—continued.

878. And you mentioned that some English analyst had proved English butter to contain as much as 24 per cent?—No; Danish butter. I may say that it is the only case of Danish butter that I have heard of containing that high percentage.

879. I was going to ask whether that was not an exceptional case?—No doubt.

880. You would not suggest for a moment that that would be the general thing?—No.

881. With regard to brining, you started with the assumption that there was so much water in butter before it was brined, of course?—Yes.

882. Did I rightly understand you to assume that the brining process added so much in addition to the water, that all the water was retained, and that additional moisture was impressed into the butter by the process of brining?—I believe that is correct, and I am fortified in that opinion by the evidence given in Manchester by Sir Charles Cameron, the Dublin City Analyst.

883. Then it amounts to this: that whatever water there may be in butter, there becomes added under the process of brining so much additional brine, which means water plus brine; do you not think that, in that process, the brine really brines the water already in the butter and does not become a separate incorporation?—I would not like to answer that question, because I do not know; of course, I am only giving you what is the general belief with people who connected with the Irish butter trade, as I have been myself for 25 years, and the belief on the part of the practical butter makers in Ireland.

884. That general belief being, that all the water remains that happens to be in the butter before the brining process proceeds, and there becomes incorporated in the butter an additional amount of water in the shape of brine water?—It seems to me, without being a practical butter maker, that that ought to be so.

885. I do not quite agree, however; now, in hot weather it is generally admitted (I think you gave evidence on that point), that it is more difficult to get rid of the water in butter?—Yes.

886. Would not that suggest to butter makers the desirability of keeping their churning operations cool?—That is so.

887. So as to avoid having an excessive amount of water?—But then the conditions under which they make the butter are so adverse, that they cannot always accomplish those results with the natural conditions and the surroundings of the dairies in which the butter is made.

888. But still, taking all that into consideration, it would be a desirable thing to endeavour to aim at churning under conditions of coolness, would it not?—Yes, quite so; in fact, you cannot make butter successfully in a temperature higher than about 60 degrees or 62 degrees, for the greater part of the year. Of course, in winter, I understand churning has to be carried on to make butter successfully, at a temperature of 70 degrees.

889. You have had a large experience in the

Mr. *Kearley*—continued.

manufacture of Irish butter, I take it?—No, very little; I have assisted in making butter when I was young.

890. In a general way, have you heard that Irish butter makers add hot brine when they are churning?—Yes, I have heard of that being done in some cases. I may say that I believe the system is this: that the brine used in the manufacture of butter is always applied in a tepid condition, it is not applied quite cold, it has to be warmed, what they would call in Ireland warm brine; I discriminate between warm brine and hot brine.

891. Do you admit, that in addition to the practice of adding warm brine, it is known that they add hot brine?—I have heard that statement in some cases.

892. I am only suggesting that it is done in some cases; for what purpose do you suppose that it is done?—The assumption on the part of the butter merchants in Ireland, and others that I have come across, is, that they have used the brine in that case really to add water to the butter for adulteration. I have understood when that has been done, that that would certainly be the object.

893. You have quoted the opinion of Irish chemists, who naturally, as you say, have a large experience in Irish butters; you quoted Professor Tichborne, I think?—Yes.

894. But I do not think you mentioned Sir Charles Cameron, who is probably the most eminent of all the Irish chemists?—Sir Charles Cameron has the largest practice as an analyst in the country, because he is practically the analyst for, I was going to say, the whole of Ireland.

895. You would not dispute his judgment and opinion on the question of the percentage of water to be admitted in Irish butter, I suppose?—I would indeed; very much.

896. You would prefer Professor Tichborne's opinion?—I believe Professor Tichborne's opinion, with regard to the percentage of water that ought to be allowed for ordinary Irish salt butter, is a better guide than Sir Charles Cameron's on this matter, for this reason: that Professor Tichborne has had an enormous number of samples sent to him from various parts of the country; from creamery proprietors, and also from the South of Ireland Butter Merchants Association. He is a man of the highest repute and standing in his profession; and his suggestion in Manchester was, that there ought to be two standards, one for salt butter, and another for mild; and he said that he certainly would allow 4 to 5 per cent. more at all times for ordinary salt butter than he would allow for mild butter.

897. I suppose you are aware that Sir Charles Cameron fixes the limit for either salt or fresh made butter at 16 per cent?—Yes, in common with all the other analysts; but I may say, that the analysts, as a body, are not held (I say it with every deference to those gentlemen) in the very highest esteem and repute with regard to practical experience and knowledge of butter making.

898. I will not enter into that point; I only wanted to get it on record that you had only quoted one Irish opinion?—No, I have quoted Mr. Harrington, of Cork, and Mr. O'Mahoney.

899. But the Committee were not aware that Sir Charles Cameron, who, at all events, is an eminent chemist, holds the opinion that 16 per cent. would be a fair standard for all Irish butters; then with regard to a certain Copenhagen analysis that you referred to, you suggest that taking that as the standard, 15 per cent. of water would exclude many Danish butters?—Thirty-six per cent. of them.

900. But those analyses were made at Copenhagen when the butter competition was going on?—Yes, I believe so.

901. Would not those butters be analysed immediately they came from the churn, straight from the dairy?—I understand the system is this, that a telegram is despatched from the laboratory, either to the creamery, or dairy, to send up a cask of butter, and it has to be sent to the laboratory by a certain train; and if it does not reach the laboratory by a certain time, there is some penalty imposed upon the dairy people; the object of which I take to be to prevent the proprietor from manufacturing a special article for the show, and so that they might get a fair idea of the general quality of the butter made at the particular dairy in question.

902. But the butter would be analysed a few days after it was made?—I do not know about that. I have seen a letter from Mr. Faber, who entered into that matter, and I gather from him (I have a copy of the letter here) that it would take Danish butter, though it may be of superior quality, and very mild, all its time to conform to a 15 per cent. maximum, even after arriving in this country.

903. The point that I wanted to develop is this, that Danish butters analysed in England would show a lesser percentage of water than those analysed in Denmark at the moment they arrive from the dairy; that is to say, that a percentage of water would disappear between the time of leaving the dairy and the time of the butter being placed on the market?—I think that is quite reasonable.

Sir *Mark Stewart.*

904. If you had your way, and prohibited all margarine being coloured, could you insure that prohibition being adopted by foreign manufacturers?—I think the manufacturers abroad would be very glad to conform to any law of that kind in England; they could easily do it; they can make it any colour you like, or no colour.

905. Would that stop the sale of it in any way?—It would be in this way: that the people who have it imposed upon them now as butter, would no longer buy it as butter. I may mention that I know one of the largest retail grocers in England, a gentleman who has got about 70 shops, and he has told me frequently, that margarine can be sold to any extent within reason at 6*d.* a lb., or 8*d.* a lb., but that if he tickets it up at 10*d.*, he notices at once a falling off in the consumption; and if he tickets it up at 1*s.* he cannot sell it; and he has about 60 or 70 shops in various parts of England.

906. Then you would, in a great measure, stop the

Sir *Mark Stewart*—continued.

the sale and purchase of margarine if it was coloured?—Yes, the fraudulent sale.

907. But would householders use margarine if it was not so coloured?—If it was uncoloured, yes.

908. For cooking purposes?—For the same purposes that they use it now.

909. They would use it now mostly for butter, would they not?—Yes, that article which I have handed in would be as good in that colour as if you added colour to it. I do not see that it could make, practically, the slightest difference in the domestic use of it.

910. Except that it would diminish the amount sold?—Yes; by diminishing the fraud.

911. Would you go so far as imprisonment for a punishment?—Yes, I would, after a third conviction, certainly.

912. Would you suggest that margarine should be packed in wooden cases instead of in wooden cases?—That is not a question that we have thought out in Manchester. We say this: make the article distinguishable, and you can pack it in any case you like.

913. Does not a good deal of oleo come from Birkenhead?—There was a manufactory there 10 years ago, but they had to shut it up owing to the offensive smells that it emitted.

914. Is there none in Salford?—No.

915. Or in any other part of England that you know?—No.

916. And you are quite clear that you would prevent butter and margarine being made in the same factory?—Yes.

917. Is the Manchester trade agreed upon that?—Yes, they are; that is one of their recommendations.

918. Has the Hamburg butter gone down much in price since it was discovered that it was so impure?—There is Hamburg dairy butter and Hamburg factory butter. The dairy butter is nearly as dear as the Danish butter. The Hamburg factory butter is from 10*s.* to 15*s.* and sometimes 18*s.* less than either Hamburg dairy butter or Danish dairy butter. The price of Hamburg factory butter to-day would be from 10*s.* to 12*s.* a cwt. under the price of Danish dairy butter.

919. Where do you get the better butter from, dairies or creameries?—There is as good butter made in dairies as in creameries, but you do not get the same quantity and the same uniformity of quality.

920. Which commands the highest price in the trade?—If a man can make good butter in his own dairy, it will realise a higher price than the creamery butter; but speaking generally, I think that butter made in the creamery would bring a better price, if you take the aggregate production, than the aggregate production of butter made in dairies.

921. Would you say that an average of 20 per cent. of water would be fair in both salt butter and fresh?—No, I do not think so. I think it would be perfectly fair in the case of salt butter.

922. And what percentage would you say in fresh butter?—I should think about 14 or 15 per cent. ought to be allowed even in fresh butter. What you want is a reasonable workable margin; you do not want to screw a man down to the lowest point, owing to the atmospheric changes and difficulties that he has to contend against.

923. You stated just now in your evidence that you could not always rely upon the analysts; would you suggest a public analyst?—They are public analysts now.

924. Would you take an analyst at a distance, who had nothing to do with the district; do you suggest that?—We suggest that wherever it is practicable to have an analyst exclusively employed by the municipality, his whole services should be devoted to that, instead of his being allowed to take private practice, and that he should not be paid by fees, but by a fixed salary, just as a town clerk is paid a fixed salary.

Mr. *Colman.*

925. You said that the word "butterine" was taken away; did I correctly understand that you regretted that the word had been altered?—No, I simply mentioned that to show that the Legislature even then, in the opinion of some people, did rather a drastic thing in taking the word away, just as people now contend that it would be a severe thing to take the colouring away from margarine.

926. Is butter in small quantities, sent for by a child from a small shop, ever sent out except wrapped in paper?—I think it is always wrapped in paper.

927. Not put on a plate?—No, it is always wrapped in paper.

928. And you think that that paper could be, and might be, always impressed?—Yes; then I would also like to point out this, that wholesale merchants (this is a matter that I want to emphasise) sell butter at the present time to retailers, whom they have to give a warranty that the butter which they sell is pure. Now if a retailer sells margarine as butter, there is nothing in the world to prevent him from saying, "This is your butter, and I have got your guarantee for it;" the colour being the same, enables him, if he is bad enough, or wicked enough to do such a thing, to turn round and father the margarine upon the wholesale merchant, and the wholesale merchant cannot tell whether it is his butter or not. We sometimes send out 100, 200, and 300 casks, and if we saw them on a counter the next week, we could not tell if a single cask of the butter were ours.

929. And that might be a hardship on the wholesale dealer?—A very serious and grave hardship.

Sir *Mark Stewart.*

930. Do you give a warranty as a wholesale dealer?—We have to do now, since the prosecutions began with regard to Hamburg butters and the alleged excess of water in butter.

Mr. *Colman.*

931. It is rather a delicate question, but is it not a common thing that the wholesale dealer does give a warranty, though he is not sure whether or not the butter can be guaranteed?—That is true; I do it myself. I believe the butter to be pure, but I cannot swear to it. I cannot trade otherwise.

Mr. *Whiteley.*

932. You said that there were 60 margarine manufactories in Holland, I believe?—Yes.

933. As a matter of fact, there are 34; probably you will be surprised to hear that?—I did not say that dogmatically; I said that I thought there was that number in the country.

934. There was one remark you made, that if you prohibited the colouring of mixtures, you would make their sale impossible; what did you mean by that?—I said that if you prohibited the colouring of margarine you would practically prevent the sale of mixtures.

935. As a matter of fact, does not the colouring of margarine generally depend upon whether it is grass-fed butter or stall-fed butter?—There is no butter in that.

936. There is a certain amount of butter matter in milk, of course?—About 5 per cent.

937. Then there is butter in it?—There ought to be in all of it; but I think there is not in some of it, from some of the cases reported in the papers.

938. As a matter of fact, you could increase the colour of margarine or mixtures, could you not, by practically using a very high coloured butter in the manufacture of it?—But 5 per cent. of butter incorporated with margarine will practically make no difference in the colouring of margarine; if you have 95 per cent. of the white article and 5 per cent. of pure butter, I do not see how you can appreciably raise the colour.

939. Not if you specially prepare the butter by making it a very high colour before you begin to manufacture the margarine?—That is a mixture, then, in that case. Then, again, I may also point out that if you use colouring in the manufacture of margarine, a chemist can detect it; you cannot detect 10 to 15, or, perhaps, 20 per cent., of margarine in butter, but you can detect the normal amount of colouring at present used in the manufacture of margarine or butter.

940. You have not taken my point; my point is that if you add to margarine a specially prepared highly-coloured butter, you get the result of ordinary coloured butter?—It all depends upon the quantity of butter that you use; if you only use the quantity that is picked up in the churn with the oil which would be used in the manufacture of margarine, that quantity is so infinitesimal that I cannot see how it makes any difference in the colour.

941. You have just mentioned an owner of 70 shops, who informed you that he could not sell margarine if it were a higher price than 6*d.* a lb.?—His statement to me was that he could sell as much margarine as any ordinary retail grocer, in any district where he has a shop, at 6*d.*, or even 8*d.*, a lb.; but that if he puts the price up to 10*d.*, owing to a change in commercial value, he notices a shrinkage when the public know that it is margarine; and if he is to put up the price to 1*s.*, and still proclaims to the public that it is margarine, his trade ceases; and yet his neighbours can sell it as butter.

942. Does not that point to the fact that there is some demand for margarine or butter mixtures at the price of from 4*d.* to 8*d.* a lb.?—There is, no doubt; that is what the public will take as margarine.

Mr. *Whiteley*—continued.

943. What is the ordinary percentage of butter and margarine in mixtures?—If you pay 80*s.* for margarine, your manufacturer will then put in 20, 25, 30, or even 40 per cent. I think myself, speaking in a general way, that there is very much less butter in the mixtures than people think.

944. You think that every purchaser should be able to recognise margarine directly he enters a shop?—Yes.

945. But do not you think that he ought to be able to recognise butter that has an admixture of some 25 per cent. of water in it?—He cannot. One is a natural constituent of the article, and the other is not; you cannot make butter without water.

946. You can make it with various degrees of water?—Yes.

947. You mentioned, I think, that some margarine sold at 100*s.* per cwt.?—Yes.

948. That would be 11*d.* a pound?—Yes.

949. I take it that that would have a large admixture of butter with it?—It is supposed to have.

950. Does it not amount to this, practically, as it was put by Sir Charles Cameron, that it is the stringency of the law which obliges retailers to sell mixtures which have a large percentage of butter in them as margarine, that forces them to overstep the law, and sell it as butter?—My answer is that there are 50 towns in England where a single sample of butter was not taken for analysis in 1893, and the population of these towns was, in some of them 60,000, in some 80,000, and in some 135,000. Take Sunderland, for instance; not a single sample was taken in Sunderland, with 130,000 population; or in Gateshead.

951. As a matter of fact, is it not the tying up of retailers so tight that induces them to sell these good butter mixtures as butter, instead of selling them as margarine?—No, I think it is the plunder that is at the bottom of it.

952. You do not think that if there were an intermediate category, as suggested by Sir Charles Cameron, that would in some measure arrest the fraud that undoubtedly does take place at present?—I think as corporation authorities are constituted you will never get the Act even fairly well administered; there are so many influences and causes arising of a local character that will always have a paralysing effect upon the efficient administration of the Act; that is, if you mean seriously to grapple with the fraud, and to prevent it.

953. But if the Act is sufficiently administered, you think it is strong enough?—Yes; but you must get a regiment of soldiers to administer it.

954. It is only because it is not efficiently administered that you quarrel with it?—Yes, because it is imperfectly administered. The law has hopelessly broken down in grappling with the difficulty.

Mr. *Frye.*

955. Even if you made it illegal to sell mixtures, would there not be some difficulty in getting the law enforced?—Were the colour to be distinctly proclaimed in connection with margarine,

Mr. *Frye*—continued.

margarine, mixtures could not be sold as they are sold now.

956. Butter is coloured, is it not?—At times, for a short time in the year; but not for more than six or eight weeks.

957. Would you prohibit the colouring of butter?—No.

958. Why not?—Because it has always been coloured, and it does not facilitate fraud.

959. Margarine has always been coloured, has it not?—I remember it when it was a very extraordinary colour; but that has all been changed. I believe that if you passed a law to-morrow that butter should be coloured green you would have the margarine makers the next week turning out green margarine, so closely will they follow on the track of the pure article.

960. I take it you are not interested in the sale of margarine?—Not much; I sell margarine, but very little.

961. Supposing that these mixtures were prohibited from being sold, do you think it would make any difference to the consumption of margarine?—I have no doubt it would, so far as the fraudulent sale of it was concerned. It would stop that.

962. Are you aware that there has been no increase in the importation of margarine since 1886?—I believe that is quite true as margarine, but it is coming in a different guise. It is coming in from France, as we know, and from Holland and Hamburg.

963. You spoke in the early part of your evidence about Danish butter; I suppose a great amount of that comes in in the winter time, does it not?—It comes in all the year round to the north of England; but there is a slightly larger quantity in winter than in summer; probably in summer time it might be 20 per cent. less than in winter.

964. And that which comes in winter time would be superior in quality to what comes all the year round?—We get very choice butter in Lancashire from Denmark all the year round.

Mr. JOSEPH JOHN THOMPSON, called in; and Examined.

Chairman.

965. WILL you tell the Committee what trade you represent?—I am a member of the firm of Lonsdale and Thompson, butter merchants, of Manchester. I am also a member of the Manchester Chamber of Commerce, who have deputed me to come down with Mr. Hickey to give evidence before the Committee.

966. I think you deal in margarine?—Yes.

967. Where do you chiefly get your margarine from?—Mostly from Holland.

968. Does it all come to you marked as margarine?—All distinctively marked "margarine."

969. Do you consider that margarine and mixtures of margarine and butter, also called margarine, are useful articles of food?—I do.

970. Are they wholesome articles of food?—They are quite wholesome.

971. And nutritious?—Yes.

972. They are not as nutritious as butter, I presume?—There is very little difference, I think, between them in the matter of nutrition.

973. Have you any scientific evidence which you can give us, or quote, to that effect?—I have not.

974. It is only your personal opinion?—Only my personal opinion. I have heard it many times. There is very little difference, I think.

975. And, sold under the name of margarine, under the Act of 1887, you think it is a legitimate article of commerce?—I do.

976. As legitimate as butter?—Yes.

977. If we interfered with its sale you think that would be an injurious step?—I think it would be wrong to do so.

978. Why do you think so?—I think that the working classes of this country find it a useful article of food, and very cheap.

979. You think that such action would take away from them, in fact, a cheap article of food?—Yes.

Chairman—continued.

980. Does not the sale of it as butter, or as a substitute for butter, and sometimes under the name of butter, really defraud the working classes of the more nutritious product?—I do not think so. The working classes buy it for its value at a lower price than butter.

981. But in this country now there is butter coming from New Zealand that can be put upon the market at a very low price; we were told by a witness here at a little over 6*d.* a pound. You are aware of that?—Yes.

982. If that is so, is not the sale of margarine, at the price it is usually sold at, putting into competition with a legitimate article an imitation?—Yes.

983. And that is injurious to the public, is it not?—No, it is injurious to the butter makers, not to the public.

984. But it is injurious to the public, is it not, inasmuch as, instead of butter, they get a mixture of butter and margarine?—It would be defrauding the public if the mixtures were sold for butter when they are margarine.

985. But supposing even that it was labelled margarine, is it not putting in competition with a proper article, such as butter, of the kind I refer to, an article which is not so good for the purpose of food?—If it is an article equally good for the price, it certainly would be put in competition with butter.

986. But some very high-class butters are coming here from New Zealand at a price now, as you are aware, which promises to compete with these margarine mixtures?—And they are competing with them very seriously at the present time.

987. Under those circumstances, supposing that you were an individual buyer, would you not prefer a pound of this New Zealand butter to a pound of margarine mixture?—It depends upon the quality of the New Zealand butter. If some

Chairman—continued.

some of that gets a little stale it is not so good as the margarine mixture.

988. Supposing it is fresh and good?—There is only a small proportion of it that is really fresh. In Lancashire the margarine mixtures will sell in preference to Australian butter, except the very finest, and that is in a very small proportion.

Mr. *Frye.*

989. And it is higher in price?—Very much higher in price.

Chairman.

990. What is the price of margarine mixtures?—At the present time I think 70*s.* per cwt. would be the top price. A very fair mixture can be retailed now at 8*d.* a pound.

991. A pound of New Zealand butter of good quality, not suffering from rancidity, would be of better value to working men than a pound of margarine sold at the same price, would it not?—But you cannot find it to sell at the same price; it is sold at a higher price.

992. Assuming that it was sold at the same price?—The butter would sell in preference to the margarine, if you could sell fine butter at the same price. The Australian butter has already very much interfered with the sale of mixtures.

993. It would be better value as a nutritious article, would it not?—I cannot say so. I think the margarine mixtures are really good value compared with any butter.

994. You mean a mixture that contains a large percentage of butter?—Yes, from 25 to 30 per cent., perhaps.

995. But you would not for a moment assert that it was of equally nutritive value to good butter, would you?—It is equal in value to any butter, except very fine butter. Any secondary butter I do not consider any better than, or as good as, a high-class mixture.

996. What do you mean by "secondary butter"?—Being a little aged, perhaps, or badly made.

997. This margarine is sold largely to public institutions, is it not?—Yes.

998. And sold under the name of margarine?—Yes, always.

999. And supplied to the inmates as butter?—It is. I have forms of tender here from those institutions.

1000. It comes in all shapes and sizes of packages, I think?—Yes.

1001. So that it comes according to the requirements of the district?—Yes.

1002. That is to say, if in a certain district the ordinary shape of butter packages was in a particular form these margarine mixtures would come in in that form?—Whatever the customers ask for we provide for them.

1003. And these mixtures have now been coming in for many years in those packages, and you think that any interference with those shapes or makes of margarine compounds would not check fraud?—I do not see how the shape of a package would check the fraud in any way.

1004. You do not think that if butter, for instance, was made in a six-sided shape in a particular district, the preventing of margarine being made in that six-sided shape would check fraud?—All the fraud that there is is cut up in very small quantities over the counter; and the retailer can sell it from any shape of package.

1005. But supposing that butter is made up in little pats of a certain shape and a certain stamp, with a cow on it, or something of that kind, it is not desirable that you should make margarine up in those pats, is it?—I do not see much advantage in that. That has become the habit in some places, but I do not know of any advantage to anybody in it.

1006. Except to the seller, possibly?—It may be in some cases that the seller may realise some advantage possibly.

1007. But, apart from all these things, you are satisfied that the present Act, if properly enforced, would prevent fraud?—Yes, I am sure it would. Margarine must be wrapped in paper with the word upon it, and ticketed in very large letters.

1008. Would you suggest any method by which the Act might be enforced better than it is?—I would not object to travelling inspectors to see that the Act was carried out, and that the local authorities did their duty.

1009. And you would have these travelling inspectors in preference to local inspectors because they are not known, I suppose?—That would be one reason; and they would be assistants to the local inspectors.

1010. They would cover a wide area and would be liable to come down at any moment?—Yes.

1011. And you think that those travelling inspectors could take samples at the different ports?—Yes, if they had any suspicion that anything was coming in adulterated they could take samples there.

1012. And do you think that that would be a good deal of value to the trade?—I do not think it would at the present moment. I do not know of any adulterated butter coming in at the moment. Formerly some came in from one or two countries, but I think they are all afraid now, and I do not think they send any.

1013. They are afraid to send over here as butter a compound that contains a large percentage, say, over 50 per cent. of margarine, you think?—I do not think they send it with any percentage of margarine at the present moment. Foreign countries are taking the matter up strongly and stopping that adulteration in their own country.

1014. Do you think that the butter that comes here is pure butter?—I do now.

1015. Are you aware that it has been stated that Brittany butter can be sent from Brittany here and sold in London at a lower price than you can purchase butter in Brittany at?—I have heard that stated.

1016. That must mean some adulteration, must it not?—I cannot tell. I do not think that there is any adulterated butter, in spite of that statement, sent over from Brittany at the present moment.

1017. You think that all the prosecutions should be taken under the Margarine Act?—Yes.

1018. An

Chairman—continued.

1018. And not under the Sale of Food and Drugs Act?—No.

1019. You do not agree with the notion of licensing dealers in margarine?—I do not see that that would do any good whatever. Everyone almost sells margarine now; almost every retailer sells it.

1020. Would it not warn the public that a man who was professing to sell butter was also selling margarine?—I think the public all know it now, and the inspectors as well; and when they were licensed the public would know no more.

1021. There would be evidence over the door and in some part of the shop that they were dealers in margarine, would there not?—I think inspectors would know it without evidence of that kind.

1022. We are not protecting the inspector; they protect us. We want to protect the public?—Certainly.

1023. A poor woman or a child that goes to buy butter for her father's supper or breakfast ought to know the shop in which she can get margarine or get butter, ought she not?—She can get margarine and butter at every shop that a poor person goes to now.

1024. Yes, they can; but under those circumstances they would be warned that in certain places margarine was sold, while in other places there would be no such warning that margarine was sold?—I do not see that there would be any advantage at all. When we have it now that every one sells it, licensing it would not make it more public.

1025. But it would certainly be more public if there was a bill or a signboard stuck over the door, "Dealers in Margarine," would it not?—We should not know it any more, if we already know it, taking it that they all sell it.

1026. That is assuming a universal knowledge, which you are scarcely justified in doing, are you, all over the country?—It is very near the fact.

1027. You think that every butter-seller and grocer sells margarine now?—Yes, except one or two very high-class grocers. In the working-class neighbourhoods every grocer sells margarine as well as butter.

1028. And you do not think that it would be any advantage to warn the working classes that they did so?—No, I do not see any advantage in it whatever.

1029. You are importers of butter from various parts, I think?—Yes.

1030. What parts do you import from chiefly?—From Denmark, from Sweden, from Holland, and from Ireland.

1031. Are these butters which you import made in factories or creameries?—They are all creamery butters.

1032. Do you think that there is any advantage in having creamery butter over factory butter?—Yes, I think it is a decided advantage. The butter, after the grain of the butter is broken, after it is once made and the grain is broken, never keeps so well.

1033. Then factory butter does not keep as well as creamery butter; is that so?—That is our experience.

Chairman—continued.

1034. Is it not of more uniform quality than creamery butter?—Yes; when you blend it together in large quantities from various farms you get a uniform quality.

1035. But it does not keep so well, you say?—It does not.

1036. Therefore, the advantage of creamery butter over factory butter is limited to the power of keeping?—Yes. In Lancashire the sale of factory butter has gone out to a large extent.

1037. On that ground?—On that ground mainly, I think.

1038. Is there any other ground for that, do you think?—I cannot say that there is any other reason for it.

1039. The difference between the two systems is this, is it not: that the creamery butter is made from milk obtained from farmers, by the separating process; and in the other case the butters are bought after being manufactured at the individuals' farms, and re-made and blended at the factory?—That is so.

1040. What is the price of the very finest butter at the present time?—The very finest Danish and Swedish butters are selling at from 98*s.* to 100*s.*

1041. And that is a very low price, is it?—Yes.

1042. Why is the price so low?—We have had such large shipments from the colonies, of course, and there is a large make from all countries.

1043. Then the colonial shipments have lowered the price considerably?—Yes, I should say so.

1044. Has that had any effect on the price of margarine?—It has lowered the price of margarine very considerably, too.

1045. You think that all the butters that are now being imported to this country are pure?—I do not know that any of them are adulterated at the present moment, or have been for some time past.

1046. Not containing more than 10 or 15 per cent. of margarine, would you say?—Containing none whatever. I should consider them adulterated if they contained any margarine.

1047. You know of no butter, then, coming into this country that is adulterated at the present time?—I do not know any.

1048. And you have no reason to suppose that there is any?—No, none whatever.

1049. Now, the invoice that you send out with butter you would regard as a warranty that it is genuine, I understand?—Yes. We are often asked now by retailers to give a written warranty, "This is genuine butter," and to sign it. I say that that is unnecessary. If we invoice butter it ought to be taken as a warranty that it is butter.

1050. Without any warranty?—Yes.

1051. And the production of the invoice by the seller would throw upon your shoulders a penalty if the butter were not pure?—Certainly.

1052. Have you any experience of water in butter?—Not a very large experience; I have had some experience in it.

1053. Have you any reason to think that an excess of water is common as an adulteration?—

Chairman—continued.

In certain times of the year people with poor appliances cannot get the water out.

1054. What times of the year are these?—Mostly in the hot weather. I refer to small farmers, and that sort of people.

1055. Do you think it would be unfair to those people to fix a standard of water which should be permissible in butter?—It would give them a great deal of trouble; in fact they could not send their butter to market if a standard was fixed, I am afraid.

1056. Would not it have the effect of making those people send their milk to creameries instead of making it into butter themselves?—There may not be a creamery convenient to them.

1057. Therefore they might be really shut out out of the market from their inability, by reason of their appliances being not of the best description, to get the butter sufficiently free from water to make it up to the standard?—I am afraid that would be so.

1058. You think, therefore, that it is the lesser evil of the two to have no standard fixed for water?—We have got on very well up to now without a standard, and the quality of butter has very much improved of late years.

1059. You think that, in spite of all these facilities for adulteration, butter is of a better standard of purity than it was years ago?—Yes; the purity is right now, and I think the quality of the butter has very much improved.

1060. Is the improved quality of butter due to the fact that better imitations of butter have stimulated the making of better butter for the market?—In part it is due to that, and in part to the improved appliances, separators, and new machinery that have come out of late years. They are able to make butter now in large quantities, where formerly each farmer made his own, and it was not good. There was a great variety of quality at that time.

1061. So that butter is more uniform now, and also of higher quality, you would say?—Yes, that is so.

1062. And you think that the competition of butter that is coming in from the colonies is likely to keep up the standard of butter in this country?—Yes.

1063. And to check adulteration?—Yes; I do not know that there is any adulteration at the moment.

1064. But you think that practically without fresh legislation we might trust to the competition of the different parts of the world in the production of butter for the English market to keep the public supplied with a fairly good article?—Yes, at very low prices, I think.

1065. Have you anything else to say, or any further suggestions to make for the amendment of the Sale of Food and Drugs Act?—Some resolutions were passed by the Produce Section of the Manchester Chamber of Commerce, and adopted by the Chamber, which Mr. Hickey has already gone through, I find.

1066. Do you agree with those resolutions?—I do.

1067. Do you agree with his suggestion that the analyst should be paid a salary instead of by fees?—Yes; I think that would be fair.

1068. Do you think that that might lead to a comparatively perfunctory discharge of the duties?—I have no strong feeling myself on that matter.

Chairman—continued.

1069. If a man was receiving a fixed salary, whether he made 500 analyses and had 500 prosecutions or 50, do you think it might possibly lead to fewer prosecutions occurring?—I do not know that the analyst would have much to do with prosecutions. I think he would have to analyse what the inspector brought; what the authorities sent him.

1070. Do you think you would get just as good a result then as by paying him for each analysis in addition to a salary?—I think so.

1071. Now, you say that you think that at certain periods of the year it should be recognised that you might put certain quantities of stearine, say 5 per cent., in lard?—That was passed by the Chamber of Commerce.

1072. Then you would have a kind of close season for lard, and another season in which stearine might be put in?—Yes. There is a great difficulty in hot weather in making merchantable lard without the addition of a little stearine.

1073. And that is not an injurious addition?—Not at all.

1074. As to the other proposals that were submitted for the amendment of the Sale of Food and Drugs Act and the Margarine Act by Mr. Hickey, the previous witness, do you also agree with them?—I do.

1075. And you have nothing further to say with reference to those for yourself?—No, nothing.

Sir *Charles Cameron.*

1076. The honourable Chairman asked you as to the butter being superior in nutritious qualities to margarine. As a matter of fact, assuming the nutritive values of the fats to be equal, does not margarine contain much more fat and a much higher percentage of fatty matter than Irish butter, for example?—That I am not able to say.

1077. But let me put it this way: does not margarine contain much less water than butter?—Yes, it mostly does.

1078. Have you ever heard of margarine with 15 to 20 per cent. of water?—No.

1079. There is no such thing, in fact, is there, as margarine containing what we have heard is the common percentage of water in butter; that is, 25 per cent. of water?—No, none whatever.

1080. About the standards of water, you are against the fixation of standards?—I am afraid it cannot be carried out in many cases.

1081. What are your ideas, if you have ever thought of the subject, of the possibility of fixing different standards of water for different standards of butter?—I do not see that it is possible. One kind of butter runs so much into another. What is fresh gets a little more salt, and what is salt gets a little more mild, according to the views of the maker; so that one kind runs so much into another that we could never make a distinction.

1082. I will just ask you a question as to the reason why there is so little water in margarine as compared with butter; are you aware of the way that margarine is manufactured?—Yes.

1083. Is it not the fact that in cold weather,

in

Sir *Charles Cameron*—continued.

in order to make the margarine soft and work thoroughly well so as to get the water out, it is the practice to add a little oil; and in hot weather, in order to keep the margarine hard and so as to enable them to work the water out, they do not add oil?—Yes.

1084. So that they can keep it at a uniform consistency in hot weather and cold?—Yes.

1085. At a consistency that just enables them to keep the water out?—Yes; and they work it at different temperatures, according to the heat of the atmosphere.

1086. About colouring, were your views entirely expressed by those expressed by Mr. Hickey?—Yes. I think we should not interfere with the matter of colouring. I think it would be an injustice to the working classes to say that they must take their margarine white.

1087. In the same way as you would be sorry, I suppose, to interfere with the liberty to colour pure butter?—I think we should have liberty to colour each according to the requirements of the people.

1088. And that neither should have a monopoly?—That is my view.

1089. Upon the point of mixture, what is your view; do you agree with Mr. Hickey as to the advisability of forbidding mixtures?—No, I do not see any reason why they should be prohibited. They are sold as margarine, and I do not see any reason why they should not be.

1090. Do you think that it would be more in accordance with the principles, for instance, upon which the mixture of coffee and chicory is sold, as it may be sold, as a mixture, an avowed mixture; do you see any reason why that principle should not be applied to mixtures of butter and margarine if they are sold as avowed mixtures?—I see no objection to it.

1091. Do you think that that would be an improvement on the present law, which compels those mixtures to be sold as what they are not, namely, margarine?—I think it is only fair that the mixture should be allowed to be sold as a mixture.

1092. Are your views shared by a large number of the Produce Section of the Manchester Chamber of Commerce?—By the greater number.

Sir *Mark Stewart.*

1093. What do the working classes usually buy margarine for?—To use in place of butter.

1094. Do they use it for cooking purposes much?—It is largely used for cooking purposes as well.

1095. Do you find that the upper classes use it for that purpose as well?—Yes, they use a large quantity for cooking purposes.

1096. And not for table purposes?—No, the better class of people would not use it for table purposes.

1097. Would you be inclined, in order to prevent fraudulent action on the part of sellers, to alter the shape of the packages, so as not to make them similar to the packages in which butter is sold?—If it would prevent fraud I should not object to that; but I do not think there is fraud in any way.

1098. Do not you think the margarine seller very often, if he makes up his pats of margarine the same as butter, may deceive his customers?—Yes, it is quite possible.

Sir *Mark Stewart*—continued.

1099. But has any instance ever come under your observation of that sort?—No, I have had no knowledge of anything of that kind. Retailers know more about that.

1100. You object, I gathered, to imprisonment as a penalty?—Yes, I do object to it: I think it would be a hardship in many cases. People with a large number of shops and with managers and servants would be liable to get into trouble without having done anything wrong themselves.

1101. And you think that the penalties enforced under the Margarine Act and travelling inspectors would be a sufficient deterrent to fraudulent dealings?—Yes, I think so. The penalties are severe now, but they are enforced.

1102. Have you any suggestion to make with regard to packages, whether there ought to be wooden packages in which the margarine is sold wholesale or baskets?—I think that the different districts should have the packages they would like: I do not see any objection to that.

1103. Let me ask you one more question: Is it your opinion that the price of butter will further be lowered owing to the large importations from the Colonies?—I am afraid they will, if they send us as much as they promise.

1104. At all events, there are indications that way?—Decidedly so.

Mr. *Lambert.*

1105. You said that the penalties are severe now for selling margarine as butter?—Yes; it runs up to 100*l.* for the third offence.

1106. But do those penalties act as a deterrent to men who do a large business; would not the profits, if margarine were mixed or were sold as butter, soon counteract the penalties?—It is only the very small people that sell any margarine for butter at the present time, and they could not afford to pay the penalty. The large people do not sell any margarine for butter at the present moment, to my knowledge. The large dealers that could afford to pay the penalty could not afford to be advertised by way of prosecution.

1107. Why, then, do you object to imprisonment in the place of a money penalty?—I do not consider that it is practicable. I say that if a man has 30 or 40 shops, and employs a manager in each, and perhaps the manager employs several assistants, it would be very hard upon the owner of those shops if, for any laxity or wrong doing of his assistants, he had to go to gaol.

1108. But he is liable to be fined now?—Yes, but that is not quite as serious as having to go to gaol.

1109. Do you not imagine that if an employer had a manager who allowed him to get fined once, he would take steps to get rid of him?—Yes; but he might get another that was no better.

1110. Have you such a poor opinion of all the managers that you think they would all get their employers into trouble?—No, but I think it quite possible.

1111. You think it is quite possible to get three in succession who would do so?—In the course

Mr. *Lambert*—continued.

course of years, with 30 or 40 shops, I think it is quite possible that a man might be fined three times. A man is under notice sometimes, and he might do it for spite.

1112. Do you think that such cases would occur; I mean that a man would be fined three times on account of his manager's fraudulent dealing?—Yes; and again, I think the magistrates would require such convincing proof before they send a man to prison that it would be really a dead letter.

1113. Then, of course, that would mitigate your objection to imprisonment, because they would require convincing proof?—I think they would require so much that if that were to be embodied in the Act, it would remain a dead letter.

1114. Would it mitigate your objection to it, that they would require convincing proof?—I have really no objection to it, except from its impracticability.

1115. It is practicable to send a man to gaol if he breaks the law, is it not?—But the man does not break the law who owns the shop. I should say that if any man ought to go to gaol it is the assistant.

1116. You imagine that a good many assistants do do these acts, and the employers might even have to go to gaol for the third offence, for the acts of the assistants?—Quite possible.

1117. That would rather point to the fact that there is a good deal of margarine sold as butter, would it not?—I do not think there is much now. I think it is only very small dealers indeed who do anything of that kind now.

1118. You said just now, in answer to Sir Charles Cameron, that your views about the colouring of margarine were shared by the larger number of your Chamber of Commerce?—Our Produce Section, yes.

1119. Do you agree with the evidence given here this morning by Mr. Hickey as to that?—I think he said there was one-half either way; but as a matter of fact, there are 15 in favour of colouring, and 9 against it, in the members of the Produce Section of the Chamber.

1120. Margarine, I presume, is often coloured to imitate butter?—It is always coloured to imitate butter.

1121. Do you think it would be desirable, in the interests of fair honest trading on the part of butter makers or butter producers, that margarine should not be coloured?—I do not see why it should not be coloured.

1122. You never knew, I presume, the butter to be coloured to imitate margarine?—They are the same colour.

1123. Are they?—Yes.

1124. Then why is margarine coloured to imitate butter?—It is a substitute for butter, and the demand is for that article of that special colour in different districts, some paler and some darker.

1125. But you said a minute ago that margarine was never coloured to imitate butter?—Yes, it is a substitute for butter, and the nearer the manufacturer can make it to the article of butter, perhaps the better he thinks it is; and I daresay the public appreciate it the better.

Mr. *Lambert*—continued.

1126. But is it not somewhat hard (I will not put a different term to that) upon the butter producer that he should have to compete with an article which is inferior, and coloured to imitate his butter?—Yes, it is competition with it, certainly.

1127. But is it not somewhat more than competition that the lowest article should be interfered with by a substitute?—I say that the substitute is an honest article also.

1128. Yes, when sold in its honest colour?—I say that you have as much right to colour margarine as you have to colour butter.

Mr. *Kilbride.*

1129. When sold in its own clothes?—Certainly.

Mr. *Lambert.*

1130. I will not pursue that further. You say there is no adulterated foreign butter coming into the market now?—I am not aware of it.

1131. Have you ever been aware of any?—I believe formerly some did come from one or two countries.

1132. How long ago is that?—Within the last two or three years; perhaps later; I cannot say.

1133. What steps have been taken to stop the importation of adulterated foreign butter?—Very severe measures have been taken in France to stop it.

1134. But in this country what steps have been taken?—Some steps have been taken in London. I know of some butter seized by the London merchants. I cannot tell you the precise particulars of it.

1135. I will not press you if you say that you have not an intimate knowledge of any adulteration that has taken place in the foreign butter imported?—No, I have not.

Mr. *Colman.*

1136. I understood you to say that from 98*s.* to 100*s.* is the price of the best butter now?—Yes, that is so.

1137. What has been the highest price during the last five or 10 years?—Between 140*s.* and 150*s.*

1138. And what would you consider the average has been?—About 120*s.*, speaking without any figures; 120*s.* to 125*s.* perhaps would be the average price this time of year for some years back.

1139. The drop at the present time is from 20*s.* to 25*s.* a cwt. on the average price, then?—Yes, I should think something like that.

1140. What has been the drop on medium qualities of butter?—They are also low in proportion.

1141. Just about the same?—Yes.

Mr. *Whiteley.*

1142. You are a Lancashire man, I take it?—Yes, I have lived there many years.

1143. And you understand the Lancashire character?—Yes.

1144. They are pretty acute, are they not?—They have that character and that reputation.

1145. And

Mr. *Whiteley*—continued.

1145. And they know perfectly well if they go into a shop and ask for a mixture at 6*d.* or 8*d.* a lb., that even if the retailer calls it butter, it cannot be butter, not, at any rate, fresh English butter?—Well, they generally know that they cannot buy it at such a low price.

1146. They are aware when they buy margarine at 6*d.* a lb. that it is not fresh English butter, as it has been suggested that some of them think they buy?—They know very well what they are buying.

1147. With regard to the price of New Zealand butter, is there any New Zealand butter that comes into the country at 6*d.* a lb.?—Yes, I think some of it can be bought at 6*d.* a lb. now.

1148. That would be a very low quality, perhaps?—It has been lying here till it is stale.

1149. And you think that margarine at 6*d.* a lb. is better than that butter at the same price?—The New Zealand butter is almost not eatable at 6*d.* a lb.

1150. The honourable Chairman suggested that there should be licensed dealers in margarine, and that such a fact should be notified on the shop door. I suppose, practically, that everybody can see, by looking in the shop window, whether they deal in margarine?—Certainly.

1151. It is exposed for sale there?—Yes.

1152. And with regard to the penalties not being a deterrent, as Mr. Lambert suggested, I suppose if the penalties were not large enough they could be raised?—As a matter of fact, the penalties under the Act have not been inflicted up to now.

1153. The maximum penalties, you mean to say?—They have not been enforced

Mr. *Kilbride.*

1154. I think you stated that the division of the Chamber of Commerce on the question of colouring was 15 in favour of no change, and nine prohibiting colouring?—No, the provision merchants, I am speaking of.

1155. I thought you spoke of a particular section of the Chamber of Commerce of Manchester?—No, the provision merchants in that section. There are some gentlemen on that section that are not provision merchants; brewers and hop merchants, for instance.

1156. Of that 15, is it not the fact that four or five were agents, pure and simple, for margarine houses?—I think that would be correct.

1157. How many of the gentlemen who voted and composed that 15 majority were not in the provision trade at all; brewers, I think you said some of them were?—There was not 15 majority.

1158. No, it was 15 as to nine, a majority of six; but the majority was 15, and the minority nine?—Yes. That was not exactly the voting; the voting was different to that. I say there were 15 in favour of no alteration, 15 of the provision merchants belonging to the Manchester Chamber of Commerce; and nine were in favour of an alteration of the colour.

1159. But did I correctly understand you to say that amongst those 15 there were three or four gentlemen who are not provision merchants at all; did I not understand you to say that in reply to Mr. Lambert just now?—We had 15 provision merchants there who voted against any alteration whatever in the colour, and nine provision merchants who wished the colour to be white.

1160. May I remind you that in reply to the question put by Mr. Lambert you stated that the nine who composed the minority were gentlemen altogether interested in the Irish butter trade?—Most of them.

1161. Therefore, did you wish the Committee to infer from that, that because those nine gentlemen were altogether interested in the Irish butter trade they were against colouring, as they did not want the genuine article in which they dealt to be unfairly interfered with by allowing margarine to be coloured, and being coloured, unfairly competing with their genuine butter?—I think their idea was that margarine, being left without colour, would not compete so strongly with Irish butter.

1162. Let me ask if this was the case; did the 15 vote for the law remaining as it is, that is to say, did the 15 vote for liberty to colour, as they may do under the existing law?—Yes.

1163. And the nine voted against that proposition?—The nine voted against that proposition, and on that particular meeting of the section they got a majority of two; they made up 17 with the addition of some brewers, hop merchants, and seed merchants. I have the list here.

Mr. *Channing.*

1164. Will you clear up this point: you say 15 and nine are provision merchants only; but there were other persons present in the room and voting?—Yes.

1165. Will you kindly give us the total number voting on either side?—The total number was 17 in favour of margarine being sold uncoloured, and 15 for liberty to colour as at the present moment.

Mr. *Lambert.*

1166. So that, really, when you said, in answer to my question just now, that you represented the majority of the Manchester Chamber of Commerce, it seems you did not do any such thing. There were 17 against you, and only 15 for you?—I said of the provision merchants; it is the provision merchants I speak of.

1167. But the provision merchants do not constitute the Manchester Chamber of Commerce exclusively?—Certainly not.

Mr. *Kilbride.*

1168. On that point, then, you told the Committee, in reply to a question of Mr. Lambert's, that the nine were Irish butter merchants?—I said most of them were.

1169. Would you kindly tell the Committee what was the composition of the 15—was there a single man of the 15 engaged in the Irish butter trade?—Yes.

1170. How many of them?—Some of them are largely interested in it.

1171. How many of the 15 are engaged in the Irish butter trade?—Eight of the very largest members of the Irish butter trade.

1172. How

Mr. *Kilbride*—continued.

1172. How many of the 15 were engaged purely and simply in the manufacture of margarine?—Four represented margarine manufacturers.

1173. Is it the fact that any gentleman voted there who had no right to vote?—Not on that occasion.

1174. They were all qualified?—Yes, I think so, on this occasion.

1175. Then it would not be right for me to suggest to you that three votes were given on that occasion by gentlemen who were not entitled to vote on that occasion?—No gentlemen voted on the occasion I am referring to but what were entitled to vote.

1176. I take it for granted that you are opposed to fraud in business?—Certainly.

1177. Is it not the fact that so long as you permit the colouring of margarine you open the door to fraud by enabling people who wish to deceive the public and who wish to make money to put on the market a spurious article that is not butter, and to get a butter price for it?—I do not know that they do get butter price for it. If you make it white it will stop the sale to a very considerable extent, there is no doubt whatever about it.

1178. That is to say, that if you leave it in its natural colour it will stop its sale to a very considerable extent?—Certainly.

1179. I think you stated, in reply to Sir Mark Stewart, that margarine was largely used for cooking purposes?—Yes.

1180. Now, if it be true that margarine is used largely for cooking purposes, would the fact of its being sold in its natural colour deter people from buying margarine for cooking purposes?—No, not at all.

1181. Therefore, if it be true that the larger percentage of margarine is bought for cooking purposes, the fact of its being sold in its natural colour would not affect the sale?—I did not say it would affect its sale for cooking purposes. If the larger percentage were used for cooking purposes, it would, of course, not affect the sale so much.

1182. Let me put it in this way: A housekeeper who wanted to buy margarine for cooking purposes would not be deterred from buying it, would she, whether it were of its natural colour or of the colour of butter?—I should think not.

1183. Therefore, so far as that proportion of margarine for cooking purposes is concerned, it would not affect the sale of it?—I should think not.

1184. Colouring only can affect the sale of that proportion which is not used for cooking purposes, but for butter?—Yes, that is so.

1185. Do you not think that the colouring of margarine, as I said before, leads to fraud; does it not open the door to fraud; does it not enable the dishonest dealer to put on the market a substance which is not the product of milk fat, as though it were that product, and to get a butter price for it?—I do not think they do get a butter price for it. I think there is very little of it sold for butter at the present time; not in the North of England most certainly.

1186. Is there not a mixture of margarine and butter, the larger proportion of which mixture is composed of animal fat, sold as butter?—I do not think that much is sold for butter in the North of England now. I think people have found out all those places that have done anything of the kind, and left them severely alone.

1187. Are you in favour of mixtures or against them?—I do not see why the mixture should be stopped; it is a wholesome article of food, and is sold at a very much less price than butter.

1188. Are you in favour of the proposal that where mixtures are sold, the fact should be notified to the public by some such notice on the door as "Licensed to sell margarine"?—I have no objection to such a license, but I can see no good that it will do when everyone sells it.

1189. Have you any suggestion to make to the Committee as to a practical way of stopping the fraud that is universally admitted now to be taking place, either with the sale of margarine or with the sale of mixtures?—I say there is very little fraud going on; and if the Act were carried out, I think it would stop all the fraud.

1190. Did I rightly understand you to say that you were opposed to imprisonment no matter how many offences a man may commit?—I think that would be rather impracticable.

1191. Why?—I see the difficulty with a man who has a large number of shops. A man does not instruct his assistants to sell margarine as butter.

Chairman.

1192. Are you acquainted with the fifth Section of the Margarine Act, by which if a man pleads that it is done by an assistant he can escape the penalty, and the assistant will be punished; the words are these: "If, after the commission of the offence has been proved, the employer proves to the satisfaction of the Court that he had used due diligence to enforce the execution of this Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty"?—Yes, I know that clause.

1193. Then that would escape the imprisonment for the gentleman with 70 shops, it would enable him to avoid it, if the act were done by assistants without his knowledge, as you say?—But if any imprisonment is prescribed I think the man who really sells the article should be the man to go to prison.

1194. But the man who adulterates the article would in that case go to prison?—Yes, if there was any adulterated butter coming into the country.

1195. Then that removes that particular objection on your part to imprisonment, does it not?—I have no particular objection to imprisonment if it is a practicable thing; but I am afraid it would be a difficult thing to carry out.

Mr. *Kilbride.*

1196. Supposing you bought a large quantity of foreign butter on a warranty, and it was afterwards found, when it was retailed by another gentleman, that it contained a percentage of margarine, would you be opposed to allowing the gentleman who consigned that stuff to you on warranty

Mr. *Kilbride*—continued.

warranty to be sent to prison for such a deliberate fraud as that?—I should have no objection whatever if he went to prison.

1197. I think you stated in reply to Sir Charles Cameron that no margarine contains as much water as we have had evidence produced here saying that butter contains, namely, up to 25 per cent. of water?—I have not seen any that did contain anything like so much.

1198. How much water does margarine, as a matter of fact, contain?—I am not able to tell you.

1199. Do you not know?—No.

1200. And not knowing how much water margarine contains, how is it that you are able to answer the question and to say that margarine contains less water than butter?—When you speak of 25 per cent. of water, if it was a very watery article, we should be able to see it to that extent.

1201. As a matter of fact, how much water does cheese contain?—A very large proportion.

1202. How much water does Cheddar or Cheshire contain?—A large proportion.

1203. Would you be surprised to hear that it contains a very much larger proportion of water than butter does?—No, I know it does contain a very much larger proportion of water.

1204. Is it not a curious thing that when you cut cheese, you do not see that so clearly as you say you could detect the quantity of water in margarine by sight?—Sight and taste.

1205. You would not be able to detect the quantity of water in cheese by sight, would you?—No.

1206. Are you able to tell the Committee what is the profit made per hundredweight by a fraudulent dealer selling margarine as butter and getting a butter price for it?—I cannot tell that.

1207. What is the commercial value of margarine at the present moment, the very best article put on the market?—About 50*s*.

1208. What is the highest price of the best butter?—About double that.

1209. Say 100*s*.?—Yes.

1210. Therefore a fraudulent dealer putting that class of margarine on the market and selling it as butter would make 50*s*. profit?—No. I think that anything sold fraudulently would be a mixture, and it would cost him more than that.

1211. You have no practical suggestion to make to the Committee as to how the fraud can be stopped, as to how the law might be made more stringent or changed so as to make it more effective in the suppression of fraud?—I think the present law might be carried out a little more stringently.

1212. Can you suggest to the Committee any change in the mode of carrying out the law with that object?—I cannot suggest any change.

1213. For instance, whether public bodies should have more power than they have at present?—I think they have full powers at the present time under the present Act.

Mr. *Frye.*

1214. In regard to imprisonment, are not a great many summonses taken out for selling

Mr. *Frye*—continued.

margarine as butter, under the Sale of Food and Drugs Act?—A great number.

1215. The majority, may I say?—I should think so.

1216. Then if an assistant were to sell margarine as butter, and then were proceeded against under that Act, would the master be held responsible for the assistant?—I should think the master is responsible for the act of his servant.

Chairman.

1217. This Section 5 of the Margarine Act would not operate for prosecutions under the Food and Drugs Act?—No.

Mr. *Frye.*

1218. You represent the Manchester Chamber of Commerce?—Yes.

1219. I suppose this matter has been discussed a great deal by that body?—Yes.

1220. And the question of colouring margarine?—Yes, we have had that very fully discussed.

1221. And they do not recommend anything; they have sent up no recommendation about it?—I make no recommendations from the Chamber of Commerce on that point.

Mr. *Channing.*

1222. I want to ask you this: You say that the fraud, if any, must be committed, as I understand you, by the managers of shops; that it is not generally committed by the retailers themselves?—I think not.

1223. You have just heard the 5th Section of the Margarine Act read. Can you state in how many cases of prosecution by the local authority those shopmen or managers of shops have been found guilty, and the responsibility fastened on them, transferred from the employer to them?—No, I cannot tell you of any cases of that. There have been cases, I believe.

1224. You cannot produce any case here, though?—No, I cannot.

1225. You do not think such things are frequent?—I am not able to say they are frequent.

1226. But there have been a great many cases of prosecution, and successful prosecution, of the actual sellers, have there not?—Yes.

1227. And none of the shopmen then have been proved guilty?—No.

1228. Now, you say the law ought to be stringently enforced, as I understand you?—Yes.

1229. You did not make any very decided suggestion, in answer to Mr. Kilbride, as to how that was to be done. What would you say to the suggestion of increasing the number of inspectors, and employing men who were not known in the localities as inspectors?—I should be in favour of employing men who were not known. I should be in favour of travelling inspectors, or something of that kind, men who were not known.

1230. The only one of the suggestions with regard to the prevention of fraud that you seem to object to very much is that prohibiting the colouring of margarine. That you strongly object to, but the others you do not?—I think

Mr. *Channing*—continued.

if you colour margarine you would destroy the trade.

1231. My information is that the larger manufacturers of margarine are perfectly willing to put it on the market as margarine, and that the objection to using it in that way, and the desire to have it in the form of mixture, comes entirely from the retailers; is that so?—I think the manufacturers wish to make mixtures quite as much as the retailers wish to sell them. Manufacturers are quite open to make anything that is required in any percentage.

1232. Do you suggest that they put the mixtures on the market with intent to commit fraud?—Oh, dear, no.

Mr. *Kilbride.*

1233. Do you suggest that the manufacturers are more in favour of mixtures than of selling pure margarine, because it is a more profitable business?—I should think they would make more profit on mixtures than on ordinary margarine.

1234. That is because they can make more profit out of mixtures than out of the genuine article; therefore that is why the manufacturers are in favour of mixtures, because it is more profitable, not in the interests of the consumers, but in their own interests?—I am afraid we all look after our own interests more or less.

Chairman.

1235. I will just ask you this, to have it clearly understood: When you spoke of that division of

Chairman—continued.

opinion in the Manchester Chamber of Commerce as to the colouring of margarine, you said that the majority voted one way and the minority on the other side. But the Chamber of Commerce, as a Chamber of Commerce, has authorised you to express no opinion on that point?—That is so.

1236. So that your suggestion as to the action of the majority was not borne out by the opinion of the Chamber of Commerce?—No; it was not carried.

1237. It was not supported?—No; they have not adopted it.

Mr. *Kilbride.*

1238. Are you aware, on this question of imprisonment, that the 27th Section of the Sale of Food and Drugs Act imposes two years' imprisonment for forging and uttering a false warranty?—I was not aware of that, but I think that any penalty that could be imposed under the Sale of Food and Drugs Act should be imposed also under the Margarine Act.

1239. But as the law already provides for imprisonment under certain conditions, what is your objection to it?—I have no objection whatever to imprisonment for false warranty, or for deliberately shipping an adulterated article.

1240. In other words, you are in favour of imprisonment for fraud?—I am not against it, but I see great difficulty in carrying it out in the case of shopkeepers.

Wednesday, 27th March 1895.

MEMBERS PRESENT:

Colonel Bagot.	Mr. Kennedy.
Sir Charles Cameron.	Mr. Kilbride.
Mr. Colman.	Mr. Lambert.
Sir Walter Foster.	Mr. Newdigate.
Mr. Frederick Frye.	Sir Mark Stewart.
Mr. Kearley.	Mr. Whiteley.

SIR WALTER FOSTER, IN THE CHAIR.

Mr. JAMES HUDSON, called in; and Examined.

Chairman.

1241. YOU are senior member of the firm of Hudson Brothers, of Ludgate-hill, who are largely engaged in the business of butter dealing?—Yes, and provisions generally.

1242. You have been in that trade a great number of years?—Yes, 50 years.

1243. You have to take steps, have you not, to secure yourselves against frauds in the articles that you sell?—We have.

1244. What steps do you take?—We compel the shipper to give us a guarantee that he will ship us nothing but a pure article; and we also have a notice to that effect on every invoice.

1245. And that you specially apply to butter?—To butter or lard.

1246. Do you find it more important with regard to butter?—Undoubtedly.

1247. And that is due to the fact that a great amount of margarine is in the market, I suppose?—Yes.

1248. Are you opposed to margarine being sold?—Not at all, if it is sold as margarine.

1249. You think it is beneficial that it should be sold?—Undoubtedly, to the poor; especially in very dear times.

1250. Why do you say "to the poor"?—Because it is within their means, or it should come within their means.

1251. As I understand, large quantities of butter now come from some of our colonies at a very low price?—That is so.

1252. Does not that do away with the necessity for selling margarine?—It will for a time.

1253. You think that that low price will not be maintained?—No, not altogether; I think that this summer we are likely to have one of the cheapest possible seasons that we have had since 1851, the time of the first exhibition.

1254. And that, consequently, while the cheap butter comes into the market the sale of margarine will probably be less?—It must diminish very much; we are now selling a good pure colonial butter at 8*d.* a lb., which is an honest, good butter.

Chairman—continued.

1255. Is that New Zealand butter?—New Zealand butter and Australian.

1256. Is there any use made of margarine for adulterating this butter that is made in New Zealand?—Not that we are aware of; we have tested all the shipments, and we have never found the slightest notion of anything that is impure being used.

1257. Does this colonial butter contain much water?—No, not quite so much as the Irish butter.

1258. And on the whole it is a good sound pure butter?—Yes, thoroughly good butter.

1259. Does it keep?—Yes, it keeps a fair time.

1260. What do you mean by a fair time?—Any butter that has been frozen will not keep quite so long as that which has not.

1261. And that of course is one of the difficulties with margarine?—With the Australian, if it gets into a warm kitchen, it will never make a high-class butter, such as the highest Danish, Swedish, or Normandy; but it takes the place of all second and third-class butter.

1262. And as long as it maintains its low price, do you think it will tend to displace margarine, and mixtures of margarine and butter?—Yes; and undoubtedly it also lowers the price of the finer qualities of butter.

1263. You object, then, to the mixing of margarine and butter?—Most thoroughly; I think that is the cause of all fraud.

1264. And you think it does harm to the dairy producers?—Very much, both in our own country, and abroad too.

1265. What harm does it do to the public?—It does not do much harm to the public, except that they are deceived in the matter; because it is sold to them as butter in 99 cases out of 100.

1266. Therefore it constitutes a fraud?—Undoubtedly.

1267. But the chief injury is to the dairy producers?—Yes.

Chairman—continued.

1268. They are injured by the fact that it lowers the price of their produce?—Yes.

1269. Being sold as butter when it is really a mixture of a large proportion of margarine with butter, it is a fraud on the public, and an injury to the producers of the pure article?—Exactly. The benefit is entirely to the maker, and to a certain extent to the vendor; they are the two who get a benefit out of it, not the public; the public have to pay at least 3*d.* a pound more for that article than they have any right to do.

1270. That is what I wanted you to point out to us, that it produces a very large profit to the man who manufactures this spurious butter?—Yes.

1271. And it also produces a very large profit to the man who retails it as butter?—Yes.

1272. And to those men, therefore, there is an incentive to keep up the trade?—Yes.

1273. Do you think that the law is sufficiently strong as a deterrent of this fraud?—No; I think if the law had been made stronger in the first instance we should not have had this Committee before us.

1274. Do you think it has had any effect in deterring fraud?—I think, undoubtedly, that the fines should be greater. You fine a man for adulteration of beer, 25*l.* or 50*l.*, and you fine a man 2*l.* for adulteration of butter; it is not consistent or right. If you were to make the penalties greater, and then, on the third conviction, I should say it ought to be imprisonment; that would stop it, and only that.

1275. Imprisonment is a very serious step to take, is it not?—Yes.

1276. But then the offence is serious, in your opinion?—Very serious.

1277. And therefore, you think, calls for a correspondingly serious punishment?—Just so. No honest tradesman need be placed in that difficulty; he has only to take the precautions prescribed by the Act of Parliament, and he is perfectly secure; it is only the dishonest man that need fear to get imprisonment if he chooses to go on committing a fraud.

1278. But the fraud might be committed by the manufacturer, without the knowledge of the retailer?—But if he has taken the proper precautions he is safe.

1279. Or it might be committed, on the other hand, might it not, by one of his assistants in a branch establishment, without his knowledge?—If my idea were carried out there would be no fear of that. I think that margarine ought not to be allowed to be sold in the same shop as butter; it is not in France.

1280. You would go that far?—I would go that far.

1281. But with reference to imprisonment, imprisonment has been urged upon us by several witnesses as the penalty for repeated frauds, say for a third conviction. Would you agree with that recommendation?—I am quite with them on that.

1282. But under the Sale of Food and Drugs Act, the prosecution might lead to the imprisonment of the principal man, when the offence was committed by an assistant?—I do not think that.

Chairman—continued.

1283. It would not, under the Margarine Act?—No.

1284. But the other law would require amendment in that particular, if imprisonment was made the penalty, would it not?—Yes.

1285. You think that the fine should be increased considerably, and that there should be imprisonment, say, for a third offence?—Yes.

1286. Now margarine is sold in large quantities, I understand, in certain parts of the country?—Yes.

1287. Will you name any special districts in which it is sold in large quantities?—Particularly in Scotland. In Glasgow it is sold in large quantities; in Edinburgh, in the Canongate, the whole of the shops are full of it; and in Liverpool and in many of the northern towns it is the same.

1288. But that is in large centres of population in the north?—Yes.

1289. Is there any special reasons why in Glasgow there should be a larger sale of margarine than in other places?—The Scotch people always like to get good value for their money, and they do in good margarine.

1290. They buy it as margarine?—Yes.

1291. And you do not hear in those parts of mixtures of margarine and butter being sold?—No; they do not care to pay 1*s.* a lb. for anything, if they can get a good article for 6*d.* or 8*d.*, as they can in Scotland, if margarine is sold purely for what it is.

1292. Then that is really margarine with a very small percentage of butter in it?—I should say only the butter that comes from the milk in the making of the margarine. No butter at all, I think, is put into it.

1293. That is the small percentage to which I referred?—Yes.

1294. Is it in your opinion a wholesome, or at all events a harmless, article of food?—Undoubtedly.

1295. But in spite of the fact that it is sold by provision dealers who also deal in butter and other provisions, you would still not have it retailed in the same shop or premises as butter?—I should like to see that. There would be no fear then of a man being imprisoned through the carelessness of his assistant.

1296. Is that your chief reason for that recommendation?—That is one of the reasons.

1297. Can you give me the others?—There is no fear then of deception; but if packages of margarine, especially where they are in the shape of an ordinary package of butter (which they are fond of making it in), are next to packages of pure butter, it is possible that there might be an error on the part of the assistant, just possible; but not if the Act of Parliament were carried out, and he got a ticket with the word in large letters "margarine," stuck on it. But that is thrown on one side, and the assistant might possibly take from the margarine cask and give it for pure butter. That could not occur if margarine and butter were not allowed to be sold in the same shop.

1298. Would not it interfere a great deal with the trade, if you had to have separate establishments for the sale of margarine?—I think you would

Chairman—continued.

would find great opposition to it in the trade on the part of those who sell margarine and butter.

1299. Do not you think that it would tend to raise the price of margarine to the public?—I think it would tend to lessen the sale of it.

1300. So that in the interests of the dairy producers the sale of margarine in special establishments which are limited to the sale of margarine, and not allowed to sell butter, would be an advantage?—Undoubtedly; I believe that many a woman would not go into a shop where there was only margarine sold; she would not like to be seen coming out of it.

1301. Then the tendency of that would be, would it not, to raise the price, probably all round?—It would raise the price of butter.

1302. And probably of margarine also?—No, I think not; if you lessen the sale of an article you generally deprecate the price of it.

1303. And you think that establishments for margarine would still be maintained, and the sale would go on?—Yes, to a certain extent; but it would be lessened.

1304. Would it not then meet your views if margarine were compelled to be kept in certain shaped cases?—That would be far better than the present state of things.

1305. Would not that meet the difficulty without separate establishments?—Scarcely, not from my point of view; but I think, certainly, that margarine should be sent in wooden cases.

1306. Well stamped?—And well stamped, indelibly stamped.

1307. Would not that prevent the fraudulent or accidental sale of it for butter?—Not altogether.

1308. You still think that a separate establishment is necessary to attain what you want?—Yes.

1309. Which would really result in a reduction of the sale of margarine and an advantage to the dairy producer?—Yes, that is my view of the matter.

1310. But you would licence in any case all people wishing to sell margarine?—Yes, at a small cost.

1311. And you would have the fact that they were licensed notified upon the building, I suppose?—Over the doorway, and not in too small letters.

1312. But that would not be sufficient alone, you think?—No.

1313. Now as to the colour of margarine, have you anything to say?—I think that it should be allowed to be coloured. You allow butter to be coloured and you allow cheese to be coloured; therefore it would be unfair to the manufacturers of margarine if it were not allowed to be coloured. If you did not colour it at all it would probably be as white as this paper; which would be objectionable; and if you coloured it a nasty colour people would not touch it at all; you would simply murder the trade.

1314. That is to say, that colouring it green or red would be fatal to the trade?—Undoubtedly fatal.

1315. Then on the other hand if the precautions that you suggest of taking out a licence in the first place and separate establishments were adopted, there might be free power given to the manufacturers of margarine to colour margarine in any form they like?—Yes.

1316. But if those precautions are not taken, would you still allow them to colour margarine in imitation of butter?—Yes.

1317. Then with regard to the samples that are taken, you would have samples taken not only from shops, but also from carts, I understand?—Yes, and from a boy carrying it in a basket.

1318. During delivery?—During delivery.

1319. So that, while the article was in transit from the retailer to the house of the customer, the inspector should have power to seize it?—To take a pound of it.

1320. And examine it?—Yes.

1321. Why do you suggest this somewhat harassing interference with the delivery of goods?—The reason is this; we all know that there are many shopkeepers who have butter machines, and keep those machines down in their cellars, and make up a very good article, a mixture which costs them, perhaps, 7*d.* or 8*d.* a lb., and that is delivered to their customers at 1*s.*; but it is never sold over the counter. If you went in and asked for a pound of margarine or mixture, they would say at once, we do not sell it; but they make it up; and if they buy margarine, what do they do with it if they tell you they do not sell it.

1322. Then, have cases of that kind come under your notice?—Not absolutely under my notice, but I know that the machines have been sold to certain people; I cannot say that they have come under my own notice further than that; and I know they buy margarine.

1323. Those are the two points?—Yes.

1324. Would not that be met by making those machines illegal?—Yes; but there would be no need for that if you prohibited mixing.

1325. But if you licence a man there would be no need to do away with the machine, would there?—No; but if you do away with mixing altogether you do not want to do away with the machines; they are done away with.

1326. And you would prohibit mixing?—Yes.

1327. Under penalty?—Yes.

1328. You would in fact prohibit it by the strongest penalties?—Yes, I would make it illegal.

1329. So that on the one hand your remedy for the position of affairs is the absolute prohibition of mixing?—Yes.

1330. And on the other hand the sale of margarine in separate establishments by licence?—Yes.

1331. And then you think that the Customs ought to interfere more than they do at the port of entry?—Yes, I think if they had done that in times gone by we should not have had so much of the spurious article upon our market; they ought to take samples now and again.

1332. You would have them take a sample and put the whole consignment into bond, would you?—I suppose it could be done in some other way; I noticed the remark that Mr. Lovell made with respect to the matter, which I thought was very much to the point, namely, that

Chairman—continued.

that some bond could be given for the whole consignment, so that it could be sold, and if it was found to be impure the next shipment should be stopped at once.

1333. And you think that a great deal of margarine and butter mixed together comes over to this country in that way?—No doubt of it.

1334. Then even if it came in that way, you would have it packed in a particular way?—Yes, in a wooden package of some shape or other.

1335. And well branded, so that the brand could not come off?—Yes, in large letters.

1336. It comes now in packages resembling butter, does it not?—Yes, in all kinds of packages, crocks, and small round baskets to imitate butter.

1337. And the labels are put on in such a way that they can be easily torn off?—Yes.

1338. And of course when the packages are mixed you cannot tell which is margarine and which is butter?—No.

1339. Do certain mixtures contain a small percentage of margarine which you cannot detect by analysis, or which is very difficult to detect?—It is difficult, but not so difficult as is made out, especially by the gentleman who gave evidence here last week, Mr. Slater, of Rennes, who said it was impossible to detect less than 10 to 15 per cent. We have made up parcels of butter with 5 and 6 per cent. of margarine, and sent them to Mr. Otto Hehner, and he has discovered it. He had no idea how we had made them up, or what percentage of margarine we had put in; but we did it just for a test, and in every case he detected 5 and 6 per cent.

1340. Of margarine?—Yes, of margarine. I say that is altogether opposed to the evidence which was urged before the Committee the other day.

1341. Do you think that an expert witness coming here to give evidence like Mr. Hehner would be able to assure us that 5 per cent. of margarine can be detected?—No doubt, and he could give reliable information upon the water question.

1342. You, therefore, would stop all mixing?—Yes.

1343. In justice to the producer?—Yes.

1344. On behalf of the dairy producer you would stop all mixing?—Yes.

1345. But you would let margarine be sold on its own merits?—It is quite good enough to be sold on its own merits if it is made of good fat.

1346. And you would make the mixing of margarine with butter a penal offence?—Yes.

1347. And subject the person, after the second or third conviction, to imprisonment?—Yes.

1348. And you think that in that way you would stop the fraud, in spite of the great profits that can be made out of it?—Yes, I am sure you would.

1349. But you do not think a money fine sufficient for that purpose?—No.

1350. You want imprisonment to prevent their being tempted?—It would so frighten them that you would have no more fraud.

Sir *Charles Cameron.*

1351. You remarked that my constituents in Glasgow liked good value for their money, and therefore they bought a good deal of margarine?—Yes, I am speaking of the lower quarters in the northern counties, where the poor people live.

1352. That is so; but the population of Glasgow is to a large extent a poor class population?—No doubt.

1353. Do not you think that it would be a hardship (that I should be bound to resent for them) if you were to institute a series of changes, the object of which is to prevent them buying what they like, and what they consider of value?—If they do not mind being imposed upon.

1354. But you told us they were not imposed upon?—I do not believe they are in Scotland to the extent that they are in England, especially in London.

1355. I think you told us they were not imposed upon at all in Glasgow?—I could not have said "not at all."

1356. You said they liked good value for their money?—Yes.

1357. And that they bought the margarine as margarine?—Yes, in nine cases out of ten I have no doubt they do, from what I have seen.

1358. You have got the same danger of mixtures being sold for the genuine article in the case of coffee and chicory that you have in the case of margarine and butter, have you not?—No. If you buy a pound of coffee, although it may be called French coffee, you can see it unmistakably on the package that it is a mixture of coffee and chicory.

1359. That is precisely so according to the law; and if you buy a package of margarine you see on that package that it is a package of margarine, according to the law?—Yes, but in most cases you do not get that here in England; it is given over to you as butter.

1360. Some people say that a good deal of mixture of coffee and chicory is given over to the public as coffee, do they not?—I have never seen it myself as far as my knowledge goes; I have always seen the package marked, "This is a mixture of coffee and chicory."

1361. Did you ever buy coffee and know that it was not a mixture of coffee and chicory?—I never did; I have never bought coffee myself.

1362. What I want you to explain is why you should propose that margarine should be sold in separate shops from butter, and had the mixing of margarine and butter (which some people like) should be made penal, when you allow the mixture of coffee and chicory, and when you allow a mixture of chicory and coffee and pure coffee to be sold from the same counter?—Merely because I want to do away with the fraud, and I believe that would help it very much.

1363. Would you apply the same principle to coffee?—I think it would be better if coffee was sold separately from coffee and chicory.

1364. In separate shops?—No; it is a different article. You can see the difference in the two things.

1365. But do you think that all the world is going to regulate its bargains by your ideas on the subject?—I am only giving that as my idea; if

Sir *Charles Cameron*—continued.

if it is not to be adopted I have nothing to do with that.

1366. Do you propose to make these mixing machines illegal?—No, I do not propose anything of the sort. I propose to do away with the mixing, and to make that penal.

1367. And leave the machines to find their own use?—Yes.

1368. Have you any precedent; we have not yet got any precedent (I do not know whether they exist or not), for the licensing of people who sell any product which is not excisable or poisonous?—I do not understand the question

1369. You approved of the suggestion of the honourable Chairman that sellers of margarine should require a licence?—Yes.

1370. We have not got any evidence of any precedent in any other trade; I do not know whether any exist; possibly you may supply the omission?—You have to get a licence to sell tobacco and snuff.

1371. Tobacco is excisable?—But if it should help to prevent fraud why should not it be so?

1372. That commences exceptional legislation; you do not know of any such case at present?—No, I do not.

Sir *Mark Stewart*.

1373. You object to the mixture, I understand, because you consider that in 99 cases out of 100 it is sold as butter?—Yes.

1374. Has there been any difficulty found in France in selling the margarine and butter in different shops?—I think not.

1375. You have never heard of any?—No.

1376. Then there is another question I want to ask you with regard to the warranty that you compel shippers to give you in dealing in the wholesale line with foreigners; are the shippers particular themselves in seeing that those warranties are genuine?—That I cannot tell.

1377. You have to depend entirely upon the shipper?—Yes; we print the necessary words out of the Act of Parliament, and a copy of that we send over to them, and they sign it, and we get it stamped at Somerset House; and we consider if we do that, and also have a warranty on every invoice that they send us, or bill of lading, that we are perfectly free in England in the matter; and if any article that they sent us was proved to be adulterated we are not guilty in any shape.

1378. The warranty comes from the manufacturer abroad?—Yes.

1379. Not the shipper?—Yes, we get it from both.

1380. But it is passed from the manufacturer to the shipper?—It comes from the shipper to the agent here in most cases; in some cases we get it direct; in reference to all Danish butter, we get it direct.

1381. From abroad you mean?—Yes, from Copenhagen.

1382. Or from wherever you get the product?—Yes; in that case we get the warranty from the shipper.

1383. Then that warranty protects the retail trader, does it not?—Yes.

1384. Supposing that the goods were found

Sir *Mark Stewart*—continued.

mixed or impure, the retail trader would simply uphold the warranty as his guarantee in the court of law?—Yes; he has *bonâ fide* believed it to be good.

1385. Is there much fraud, do you think, through false warranties?—Not much I think.

Mr. *Kearley*.

1386. With regard to the suggestions that you have made, many of them are your own individual personal opinions, are they not?—Undoubtedly.

1387. As steps necessary to kill a notorious fraud?—Yes.

1388. As regards the separation of shops for the purposes of selling margarine apart from butter, that is your own opinion, is it not?—Yes.

1389. That is not a very practical one, do you think?—Perhaps not; I merely throw it out as an idea.

1390. You throw it out as a pious opinion?—Yes; I do not think it could ever be carried out.

1391. It is not one that would be supported generally by the trade, is it?—No, I think not. I think that the whole of the trade would be opposed to it, especially those in the poorer neighbourhoods.

1392. We may take it as your own impression, and not lay too much stress upon it?—Just so.

1393. You have a large distributive experience, I understand?—Yes, one of the largest in London.

1394. And you are speaking from a different standpoint from any of the witnesses that we have had here; for instance, a different standpoint from Mr. Lovell, who spoke for the wholesale people?—Yes, entirely.

1395. You are, to a large extent, engaged in the retail trade, having branches in all parts of the country, I think?—Yes.

1396. And consequently you come directly in contact with the consumers?—Yes.

1397. But you are here as an official witness, in addition, for the London Chamber of Commerce, are you not?—Yes, and the Butter Association.

1398. In addition, that is; you are here as an official witness for the London Chamber of Commerce?—Yes.

1399. And you are a member of an association which has been recently formed, called the London Butter Association?—Yes.

1400. We have had the purpose of that association explained to us by Mr. Lovell, but what success, can you tell us, has attended the efforts of the association so far?—Considerable success; I think that they have obtained just lately something like 14 convictions.

1401. And you have several other cases awaiting trial, I understand?—Yes, some 40 or 50, I think; there are 46 awaiting hearing at the present time.

1402. Would it be your opinion that the necessity for this association has arisen from the fact that local bodies and those entrusted with the working of these Acts have not been doing their duty?—For some years; that was the reason of our forming the association from the

Mr. *Kearley*—continued.

Produce Exchange; a number of the principal members there felt that the duties of the inspector were not being carried out. You know the fact of the matter is that the inspector is known in almost every locality; he goes into a shop and is known directly: he asks for a pound of 10*d.* butter, and they give him a pound of the best fresh, that costs them, perhaps, 1*s.* 4*d.*; or else they put a half-sovereign in the scale. I allude to the fraudulent men, of course.

1403. Is the inference that these inspectors are open to being bribed?—Undoubtedly.

1404. That is your opinion?—Undoubtedly.

1405. Are you speaking from some experience?—I am speaking from experience.

1406. That these men are open to being squared, if I may so say?—Yes.

1407. Could we have evidence produced of that?—Yes.

1408. From your Butter Association?—Yes; from one of the members of the Butter Association.

1409. Could names be given?—Yes, I could produce them here.

1410. In addition to the failing of the Acts owing to the inefficient working of them by the local authorities, have you not made representations to the Government that they are failing to put the Acts in force, or certain provisions of them?—Yes. A deputation of us went before Sir Michael Hicks Beach some two years ago, or more—three years perhaps.

1411. With regard to what particular section of the Act?—With regard to inspectors not carrying out their duty.

1412. I was more especially directing your mind to the clause empowering the Customs to inspect at the port of entry?—Yes, it was more particularly with regard to that. We suggested that at the port of entry samples should be taken every now and again; but it was never carried out.

1413. The Board of Trade did not favour it?—They did not favour it.

1414. I think I am right in saying that they scarcely encouraged the idea that that was the intention of the Act?—They seemed to me to pooh-pooh it.

1415. We have letters I think put in in evidence; at all events, they are going to be put in, containing the correspondence that passed between the Board of Trade and your Association?—Yes.

1416. And those letters will support what you say?—Yes. That was not the Butter Association.

1417. No, it was the Produce Exchange?—Yes, that was it.

1418. Now, with regard to the suggestion which you have made that after a second conviction imprisonment should be imposed, it has been suggested that that would work a hardship on firms such as yours, where there are branches which are under management, in that assistants would commit the offence, and, practically, the master would have to go to prison for the dereliction of an assistant; do you think that there is any force in that argument?—It would not apply to us, because we never sell margarine retail.

1419. That was the suggestion, I think, that the honourable Chairman threw out, that it might lead to serious consequences to those that were not guilty of any fraud?—It would make the proprietor very careful; he would take care that there was no illegality committed.

1420. But under the Margarine Act the proprietor is already protected, is he not; if he is charged through a dereliction of duty by his assistant, he has the right to hand the assistant over for treatment?—Is that so?

1421. That is so?—I thought he was liable for his servant's action.

1422. But independently of all that, you think that honest firms that have several branches would be perfectly prepared to face such a risk as that without the slightest danger of themselves going to prison?—I am sure they would.

1423. You would take all the risk yourself?—Yes.

1424. May I say that you have no fear of finding yourself in prison for the dereliction of your assistants?—No, not the slightest; no honest man need fear that.

1425. Then there was a question put to you as to whether the sale of margarine as butter was harmful to certain interests?—It is to the dairy interests, no doubt.

1426. But it is harmful to the public, is it not?—To a certain extent.

1427. Because they pay for butter and really get margarine?—Yes; they are paying 3*d.* a pound more than the article is worth.

1428. That is to say, if they want margarine they ought to have it at margarine price?—Yes.

1429. As regards a statement made here the other day by a butter shipper from France, making a general imputation against Normandy butter shippers, do you think there was any foundation for that?—I think it was most unjust.

1430. Have you had a large experience of Normandy butter?—Yes.

1431. Especially that of the two great shippers, Bretel Frères and Lepellitier?—Yes; those two firms ship at least three-fourths of all the Normandy butter, and that they should be branded with a shrug of the shoulders that in all probability their shipments are adulterated is, I think, most infamous; I do not believe that either of those men ever had one pound of margarine in his establishment. They have been of great service to this country since 1871; they have sent us tons of pure fine butter, and are continuing to do so. Instead of buying butter as we have done since 1871, we will say from 1*s.* 2*d.* to 1*s.* 6*d.*, we should have been paying 2*s.* and 2*s.* 6*d.* a pound for butter but for them.

1432. And you altogether deny that there is any reasonable ground for such a suggestion?—Absolutely; and as I say, they ship three-fourths of the Normandy butter. I do not know much about the other portion of those shipments; some of it may be adulterated, some of it is not.

1433. I think it probably would be within your knowledge, as it is within the knowledge of the Committee, that certain Normandy shippers have been convicted for adulterating largely?—Undoubtedly. In one case we were shipped some butter from a firm in Normandy, named Duhamel, to a large amount, which to all appearances

Mr. *Kearley*—continued.

pearances was very fine; but we were a little suspicious of it. If butter contains 20 per cent. of margarine, by carefully melting it in your mouth you will find that at last it leaves a little coldness just like a chill on the tongue. We sent this butter to an analyst. Here in London we thought they were perhaps not quite so efficient as they were in Paris, so we sent samples of this butter to Paris to be analysed. It was analysed, and the report was that there was something like 20 to 25 per cent. of margarine in it. I need not say that that man has never shipped us any more butter; and he is now, not a butter shipper, but a maker of Iedansk, that is, margarine pure and simple, forced upon the public as butter.

1434. But throughout the country where these fine brands of Normandy butter are well known, there never has been a suspicion as to their quality?—No suspicion. Although we have during the last 20 years, and we do now, constantly send Bretel Frères and Lepellitier shipments to be analysed every now and again, we never have had the slightest suspicion.

1435. I think we have it in evidence that all these people who are largely in contact with these butters are perpetually subjecting them to a high analytical test?—Yes.

1436. And the results have always proved them to be perfectly pure?—Perfectly pure.

Mr. *Colman.*

1437. You said, I understood, that you anticipate that this coming season there will be still lower prices for butter than we have had up to the present time?—Yes.

1438. Do you anticipate that that is to continue in subsequent seasons?—I think that butter will become so low that they will have to give up making; it will be a losing game for them.

1439. In the Colonies you mean?—Yes.

1440. Touching this question of separate shops for the sale of margarine, which you said they have in France, do you know at all how long that has been the French law?—Some few years; not very long, I think.

1441. Within the past five or six years, or something of that sort?—Yes.

1442. Are they shops that sell other things besides margarine or butter?—No, it appeared to me that it was entirely margarine that they sold.

1443. No other provisions?—Little, or nothing else.

1444. Do you know any other countries where that law has been in force?—No, I do not.

1445. Not in America?—No. I know they are very stringent in America with reference to the sale of margarine, but what line they take I am not prepared to say.

Colonel *Bagot.*

1446. They license it?—Yes.

Mr. *Colman.*

1447. You cannot mention any other country besides France in which that law is in existence?—No.

1448. As to the machines we have heard of

Mr. *Colman*—continued.

for mixing margarine and butter, have you seen any of them yourself; I mean small machines?—No.

1449. Would it be possible to get one of them brought to the Committee?—Yes.

1450. In what way can it be got?—I think it might be easily managed; no doubt the maker would lend one, or send it here.

1451. You feel no doubt that you are correct in saying that some of the inspectors have not worked the Act fairly. I will not say that they have been squared?—Yes; I say that without hesitation.

1452. But they are bound, according to the Act as I understand it, when they take a sample to take it to the analyst. Do you mean to imply that they suppress the sample and do not take it to the analyst?—No; I mean this, that they are known to the proprietor of the shop which they go into, and he deceives the inspector, or else something is given.

1453. And you mean to say that he does not take a sample?—He may take it, but not take it to the analyst.

1454. That is the way that fraud is committed?—Yes; he would either have a pound of pure butter given him at any low price he might ask for it at, or he might have something given him. I do not say for a moment that it is so in every case, but it is in many.

1455. Do you think it is a common practice?—Rather too common.

Mr. *Newdigate.*

1456. You said, as I understood it, that in some shops margarine mixtures were made out of sight in shops that nominally only sell butter?—Yes, and send it round to their family customers.

1457. Do they send it round as margarine or butter?—They send it round as butter.

1458. Then it is a distinct fraud that they commit?—Yes.

1459. You also said that the colour of margarine, without any colouring matter put in it, was pure white?—Yes, or nearly white; it is a nasty colour at any rate.

1460. Did you see that specimen of margarine which was brought here yesterday?—No.

Mr. *Whiteley.*

1461. You mentioned that colonial butter from New Zealand, thoroughly good at 8*d.* a lb., was imported into this country?—Yes, and being sold.

1462. Is the import of that butter increasing?—It is increasing yearly; it is now in its infancy.

1463. Is it not more likely that the import of that butter will prove a more dangerous competitor with our dairy producers than the sale of margarine?—I think it will interfere with the margarine more than with the dairy producers, because, as I stated, it will never be the highest class butter; it will always have to come for a second or a third rate butter, because of the length of time it has been made, and of its having been frozen; two things that are detrimental to fine butter.

1464. You

Mr. *Whiteley*—continued.

1464. You mentioned that the public sometimes were induced to pay 3*d.* a lb. more for mixtures than they ought to be called upon to pay?—I say they do.

1465. I suppose, in an average sized town, there would be a good many retail shops selling mixture?—Yes.

1466. Is it not likely that competition between those shops would keep the price down to a fair level, and prevent the customers from being imposed upon in that way?—You would think so, but it is not so; they pay 1*s.* a lb., as a rule, for the best mixture, and the value is not more than 9*d.*

1467. Then according to your opinion the competition between margarine sellers does not affect the price of margarine; they are able to charge 3*d.* a lb. more than they should when they like?—Well, they do do it; they sell the best mixture, without calling it margarine, for butter at 1*s.* a lb.

1468. That is to say, they do that in one shop?—No. And I tell you honestly that when butter is rather dear that mixture which they are selling at 1*s.* a lb. is a deal nicer than any pure butter we can give at 1*s.* a lb.

1469. Then the margarine at 1*s.* a lb., upon which the purchaser suffers a loss of 3*d.* a lb., is really better than pure butter at 1*s.* a lb.?—Yes.

1470. With regard to having different shops for the sale of butter and margarine, do you not think it would be a very great inconvenience to the public to have to go from one shop to another in order to purchase those different commodities?—Not very much.

1471. You make the recommendation because, as you think, the public are liable to be imposed upon if both butter and margarine are sold in one shop?—Yes.

1472. I suppose if one of the public goes to a butcher's shop and asks for English mutton he is liable to be imposed upon by being given New Zealand mutton?—I would do precisely the same with New Zealand mutton, it should be separate; shops should only be allowed to sell New Zealand mutton. They might take common English if they liked, and sell it as New Zealand; but they never ought to be allowed to sell it in the same shop with English mutton.

1473. Then would you say the same as to foreign toys and English toys?—No, that is different; you go into a shop and ask for a leg of Southdown, and you get a leg of New Zealand; I say that is fraud.

Mr. *Kilbride.*

1474. Would you do the same with regard to beef?—Yes.

Mr. *Whiteley.*

1475. It seems to me that you are going to duplicate the whole of the shops throughout the country that sell foreign and English articles?—If you could make every man honest, you might sell margarine with butter, and New Zealand mutton with Southdown, but you cannot make people honest, they will not be honest, nine-tenths of them.

1476. It seems that the inspectors will not be honest according to you?—No, nor will inspectors be honest.

1477. For the matter of that, an inspector can take samples through an agent, and often does; is not that so?—He can send an agent into a shop, but he must pop in at the same time himself, and take hold of it, and say it is for analysis.

1478. In fact, the agents do often purchase the materials for analysis, do they not?—It can be so, but the inspector must go in with him, or directly afterwards.

1479. You have made rather a serious charge against the inspectors; did you ever know of a case of an inspector being squared in the way you suggested?—Yes; I heard it direct from a man who has really, as I should say, fee'd the inspector.

Mr. *Kilbride.*

1480. And I think you stated that you would be able to give us the names?—Yes.

Mr. *Whiteley.*

1481. Did you notify the authorities of the action of the inspector?—No.

1482. Practically that action was a misdemeanour, was it not?—Undoubtedly.

1483. Do not you think that you made yourself a party to that misdemeanour?—No, I do not.

1484. With regard to a question that Mr. Kearley asked you, you say that you do not believe for a moment that those two large Normandy shippers, Bretel Frères and Lepellitier, in any way mix margarine with their butter?—No, they are beyond suspicion.

1485. Then it is not true, in your opinion, that Brittany butter is bought by them, and sold here largely at a less price than it is purchased at by them?—I think very little of that is sold.

1486. So far as the Committee is concerned there is a conflict of testimony between you and other gentlemen on that point; do you purchase margarine?—Yes, but we never retail it; it is kept in a separate establishment, and it is sold in the entire package in bulk, wholesale.

1487. But that action of yours exactly accounts for what has been represented before the Committee several times by witnesses, that many shopkeepers do purchase margarine, and yet do not sell it; the fact is, that they sell it wholesale, do they?—No, they do not; I am speaking of small people who do not do any wholesale trade at all.

1488. It was suggested by a witness that shopkeepers did purchase margarine, and did not sell it as margarine, and that, therefore, it must be passed off in that way; but the fact that people can purchase margarine, and sell it wholesale, as you do, might render the statement of that previous witness fallacious, might it not?—I think it stands to reason that if a man buys margarine, he sells it; I do not say that we do not sell margarine, but I say that we do not sell it retail. If you were to walk into one of these shops and ask for margarine, they would say that they do not sell it.

1489. But what you do other shops may do?—I do not say that other shops may not be just as honest as ourselves.

1490. Then the fact that a man purchases margarine

Mr. *Whiteley*—continued.

margarine and does not sell it across the counter does not necessarily suggest that he mixes it?—No.

1491. With regard to selling margarine and butter, there are a large number of shops where they are sold at different counters, are there not?—Yes.

1492. Especially in London?—Yes.

1493. There is a man named Sainsbury, for instance, with a large number of shops in London, who does so?—So I have heard.

1494. Do you not think that such action as that would equally well meet your purpose as selling them in different shops?—If you have got a package of margarine of the same shape and colour as a package of butter, although you may have two separate counters, and you send a lad down for a package of butter, he may bring up a package of margarine, thinking it is butter that he has got hold of, and put it on the butter counter.

1495. Is not every person purchaser of any article liable to be deceived in the same manner?—I say that if the packages had been different the lad could not have made that mistake.

1496. Therefore, two counters would not satisfy you; you must have two shops?—Two counters would be better than having them all together.

Colonel *Bagot.*

1497. You said in your evidence that you considered that to prohibit the colouring of margarine, so that it should only be sold in its pure state, would ruin the trade altogether?—Yes.

1498. Do you know that we have had it in evidence that in Denmark the colouring of margarine is prohibited entirely?—I was not aware of that.

1499. And that the margarine trade has not, so far as we have heard, suffered in consequence?—I think it would interfere immensely with the sale of margarine if you do not colour it as butter. I think it is so good an article for poor people that it is a pity not to do it. I have seen myself, frequently, gentlemen who have been out hunting come in hungry to an inn and take margarine and put it on their bread, and put it on thick, and eat it and enjoy it. Do you think if it were coloured red, or white, as this sheet of paper, they would have touched it? Certainly not.

1500. Therefore, it is your clear opinion that it would entirely stop the trade of margarine if it was not coloured?—Yes.

1501. But that has not been the case in Denmark, so far as we are aware?—That is not within my knowledge.

Mr. *Frye.*

1502. Of course, you are more interested in the sale of French butter?—No, not more than we are in Danish or Colonial, I might say.

1503. The effect of your restrictions would probably be to kill the sale of margarine altogether, would it not?—No, I do not think it would.

1504. Do you think that a trader would take up the sale of margarine if he thought he was going to have three months' imprisonment?—Yes, if he was going to sell it honestly.

1505. But there are many cases now, I think the majority of cases, which are taken under the Sale of Food and Drugs Act, in which he could not shift the responsibility from himself to an assistant, but he would be liable; is not that so?—He would take proper precautions directly he or his assistant was liable; and if the assistant knew that he was liable, and not the master, he would take care not to impose upon the public.

1506. You have brought some charges against inspectors; you said they were known to the trade?—Yes, in almost every case.

1507. What inspector does your association employ?—He goes in private clothes; then he is a man that is not known, he would be known in time; I think they should be changed; they should be travelling inspectors, and should be constantly changed, so that they are not known. I think women should be inspectors.

1508. Then, would you shift the authority from the vestries to the county councils?—Yes, they have done one or two matters so well that I think they would do this better.

1509. Do you refer to the weighing of coal?—Yes.

1510. Your association, I believe, have issued summonses broadcast, did they not?—Yes; I think they have gone a little too far in some cases.

1511. And cases have been dismissed?—Yes, cases have been dismissed; they have gone too far.

1512. With regard to mixtures, do you think it would be a benefit to the farmers now to prohibit mixing margarine with butter?—Yes, I do.

1513. I am told that in many factories they use the milk of something like 2,000 cows a day; would not it be to the detriment of the farmer, therefore, if the sale of mixtures was discontinued?—It would be more beneficial to him if mixtures were not sold as butter, because then the public would have butter, and not mixture.

1514. It is sold now?—Yes, but it should be made penal and not allowed.

1515. With regard to packages, we have been told by several witnesses that those packages are made in imitation of different butter packages; but do the public ever see those packages at all?—They are put into the window and behind the counter.

1516. If they are put in the window and behind the counter, unless the retailers break the law, is it not necessary to put a label on "margarine"?—But that is just what they do not do.

1517. Of course, then, they evade the law?—Yes, and evade it again. There are many instances where they have been fined two and three times; they do not mind paying a 10*l.* fine; they make 30*l.* or 40*l.* a week, perhaps, out of selling mixtures. What does a 10*l.* fine matter?

1518. But those packages really deceive the retail man rather than the public, do they not?—No, the retail man is not deceived.

1519. You have spoken about imprisonment; do you know of any case where a shopkeeper or a trader has been held criminally liable to impri-

Mr. *Frye*—continued.

sonment for the sale of an article that he held to be good and pure butter?—No, I do not.

1520. Then, why do you make an exception in this case?—Because I think you can be more easily deceived with a mixture than with coffee or anything else; and then, again, I think I might also say this: that the agricultural interest of this country is of very great importance, and we ought to assist it so far as we can, and I contend that we should be assisting it if we did away with mixtures.

1521. But has not this very law killed the sale of margarine in France?—Not to my knowledge.

Mr. *Lambert.*

1522. I just want to ask you one question: it was suggested to you just now, by Sir Charles Cameron, that to imprison a man for selling these mixtures would be exceptional legislation?—Yes, I should think it would.

1523. Is this not an exceptional form of fraud; is it not a late form of fraud; and, therefore, you have to have new kinds of legislation to meet new kinds of fraud?—I think this fraud has been going on for many years; it is not a new fraud.

1524. But it is a later fraud, and other legislation would not form a precedent for legislation in this direction?—No, probably not. If we want to do away with fraud, why should we not have some fresh law.

1525. I quite agree; I was putting my question, because the other laws have had to deal with different kinds of fraud?—Undoubtedly.

1526. If you want a new law to deal with this kind of fraud, you think imprisonment is absolutely necessary?—Yes.

Mr. *Kilbride.*

1527. I think you said that Australian butter had less moisture in it than Irish butter?—Yes, rather.

1528. How many samples of Australian butter have you had analysed?—I should think three or four.

1529. Only three or four?—Yes; we feel great confidence in the Australian butter with regard to that matter.

1530. What was the result; what was the percentage of water found in those three or four samples?—Something like 14 per cent.

1531. Was that fresh butter, or salt?—Salt butter. There would be less water in fresh butter. But that water question is a most difficult question to deal with; there is no doubt about that. We have sometimes fancied that why we get more water from Irish butter is from the fact that you have so much rain in Ireland, or that in salting it I believe they use hot brine, warm brine, and in that case you cannot get the water out so easily; more will remain in.

1532. Then you believe that conditions of pasturage and conditions of climate affect, to a considerable extent, the quantity of water that will be in butter?—Yes; but it is only an opinion of mine, to say yes or no to that. I am not up to the water question. All I know is that if we get butter with a considerable amount of water in it we do not care to buy it, nor is it

Mr. *Kilbride*—continued.

so valuable as a dry butter. It suffers materially if water has been forced into it, in the price that it will fetch on the market. If the Irishman, who has been often accused of forcing water into his butter, chooses to do that, I say he does not get as good a price for it as he would if he sent it with a less amount of water.

1533. I think you said that margarine, if made from good fat, would stand by itself?—Yes, if it is good enough to be sold on its own merits.

1534. When you said margarine if made from good fat, did you wish the Committee to understand that there was a considerable amount, or any at all, that is not made from pure good fat?—I think there is no doubt that some margarines of low qualities are made from indifferent fat. The fat of a good beast would be much more valuable than the fat of an indifferent beast; it depends entirely on the fat. For instance, I believe that using lard in margarine is detrimental to its value; it is not of so much value as the margarine made from beef suet or mutton suet.

1535. Are you not of opinion that there is a great difference between the different qualities of fat in different parts of a beast?—Yes.

1536. Of the very same beast?—Yes.

1537. What you meant then, I presume, was that margarine is sometimes made from altogether a lower grade of fats?—Yes; to use a vulgar term, the gut fat is a different fat to the bulk of the fat in the beast, and a deal of fat is scraped off the gut of an animal.

1538. I think you told us that inspectors were open to bribes?—Yes.

1539. What suggestion would you make to the Committee to counteract such a state of affairs; what change do you suggest should be made in the law?—Not to have a regular inspector for a district. The inspector should be entirely from a different district to that in which he lives; he should be a stranger entering a shop. There should be travelling inspectors in different parts of the country.

1540. When your association waited on Sir Michael Hicks Beach some time ago, I presume the object of that deputation was to get the Customs officers to take samples at the port of entry?—Yes.

1541. And it entirely failed in its object?—Certainly.

1542. In fact, you were given to understand that the Customs officers did not think it a part of their duty?—Well, they never did it; and even if a case was brought under their notice it was always with great difficulty that they could be got to go down to take a sample.

1543. Are you aware that if you or any other gentlemen give information to the Customs officer at the port that you suspected certain packages were likely to be adulterated, before you could get him to move you would have to lodge one and a-half times the value of the article you asked him to seize?—I was not aware of that; but I am aware that there are always great difficulties thrown in the way.

1544. We had it given in evidence here, I think, yesterday, that most of the margarine that was bought was not bought to be put on bread, as you described just now, but bought for cooking

Mr. *Kilbride*—continued.

cooking purposes?—Yes, a great deal of it is bought for cooking purposes.

1545. Are you in favour of colouring margarine, or are you opposed to it?—I am in favour of margarine being coloured as butter.

1546. Why?—Because you allow butter to be coloured, and it is a substitute for butter, and if it is sold as margarine why should it not be coloured.

1547. Is it not your opinion that the colouring of margarine opens the door to fraud?—No, certainly not; it is only the mixing of margarine with butter that opens the door to fraud.

1548. Is there not a good deal of margarine coloured and sold as pure butter that is not a mixture at all?—I cannot say that that is the case: but not frequently, I think. It is the mixtures that are sold as butter, not the margarine. There is a little glossiness about margarine; I can tell it half-a-mile off. But I cannot a mixture without tasting it, and thoroughly testing it. There is a shiny glossiness over a piece of margarine that is unmistakable to a man who knows the difference.

1549. Even when it is coloured?—Even when it is coloured.

1550. Might I ask you this: when you colour butter, the butter so coloured does not represent anything but what it really is, that is, butter?—No.

1551. By colouring butter you do not make it a spurious article?—No, because we are used to it being coloured.

1552. But coloured or not, the colouring does not make it a spurious article?—No.

1553. Does not the colouring of margarine to the general public make it a spurious article, and give an opportunity to dishonest traders for a fraudulent transaction?—Certainly, if it is sold for butter, but not if it is sold as margarine.

1554. If you prohibited the colouring of margarine would it not prevent the fact of its being sold under any circumstances as butter; and, therefore, would you not prohibit margarine mixtures under any circumstances?—You simply will not sell margarine if you prohibit the colouring of it; you will knock the whole trade on the head if you do not colour margarine, if you do not allow margarine to be coloured.

1555. But if the largest percentage of margarine that is bought is bought for cooking purposes, do you think that people who buy it for cooking purposes would be deterred from buying ing it because it was coloured?—That is the exception to the rule; 99 packages out of 100 are sold as margarine to the public; the other part is sold to be used for frying fish, and so on, and it is a very small amount.

1556. But the evidence that we had yesterday was that the larger proportion was sold for cooking purposes; you do not agree with that?—My evidence is altogether to the contrary.

1557. You say it is only a small percentage that is sold for cooking purposes?—Undoubtedly, my evidence tends to show that it is a small quantity that is sold for cooking purposes.

1558. You gave us some evidence about margarine packages; why are they made to be so much like butter packages?—To deceive the public.

1559. And for that reason you are opposed to allowing margarine and butter to be put up in identical packages?—Certainly, and then everybody would see at once that they were margarine packages, because they should be indelibly marked in the wood, and you cannot do that on a wicker basket.

1560. Are you in favour of a differently shaped package for margarine to prevent fraud?—Yes; I say they should all be wooden packages.

Mr. *Lambert.*

1561. But would all that be necessary if you did not colour margarine to imitate butter?—Yes; I think it would be better to have a separate package, undoubtedly, and a wooden package.

1562. But you would not have to go to the length of your ideas of different shops or different portions of shops and different packages if the margarine were sold in its natural colour, would you?—No.

1563. That would simplify the whole transaction?—Yes; I think it would.

Sir *Mark Stewart.*

1564. And it would ruin the trade entirely?—Yes; it would, entirely.

Mr. *Kennedy.*

1565. You said that if margarine was not coloured you could not sell it at all, I think?—No; I do not believe it would sell at all if it was not coloured, unless butter got to an enormous price.

1566. Then do I correctly understand that margarine on its own merits is not saleable?—No; it is on its own merits when it is coloured, just as butter or cheese is. Why should you not make it if you colour it honestly to please the customers, and it does it no harm?

1567. What is the object in colouring margarine?—To make it saleable.

1568. To make it like butter?—To make it saleable.

1569. Does butter ever imitate margarine?—In what way?

1570. Is butter made to imitate margarine?—No, certainly not; butter is made on its own merits.

1571. Why should not margarine be made on its own merits; why should it be made to imitate butter?—Because it is more saleable, as I think it ought to be.

1572. Is not the colouring of margarine to make it an imitation of butter; and does it not lead to fraud?—No, I do not think it does when it is sold as margarine.

1573. Seeing that margarine is a purely artificial production, why should it be allowed to imitate the colour of butter, seeing that its colouring leads to fraud?—You call it an artificial production; I do not know that it is a very much more artificial production than milk; milk is the outside fat of the cow; margarine is the inside fat of the ox.

Mr. *Kennedy*—continued.

1574. I think you said that Mr. Otto Hehner detected 5 per cent. of margarine in butter?—I did.

1575. Are you aware that he has said that small percentages, namely, from 15 to 20 per cent., of margarine were not detectable in butter?—Who said that?

1576. Are you aware that Mr. Otto Hehner said that?—I do not believe that he ever said any such thing.

1577. You are not aware that he said that?—No, and I do not think that he ever said it; he might have said it 25 years ago, before they were as clever as they are now.

1578. If he did say it, how would you reconcile that with your statement?—I should say that he said it 25 years ago, when people were not quite so scientific as they are at the present day.

Mr. *Kilbride.*

1579. Are you aware that last year we had it in evidence that where a mixture contained only 10 or 15 per cent. of margarine, and 90 or 85 per cent. of pure butter, the analysts were unable to detect the mixture?—I know that it has been said so.

1580. Are you aware that it was given in evidence before this Committee last year?—I can quite believe that; but I think I have thrown that on one side this morning by telling you that we sent similar parcels of butter made up by ourselves, with 5 and 6 per cent. of margarine in them, to Mr. Otto Hehner, and in each case he discovered it and told us the amount of the percentage.

Mr. *Kennedy.*

1581. Are you aware that this gentleman to whom you have referred, Mr. Otto Hehner, as late as last July, in a paper called the "Analyst," stated what I quoted, namely, that small percentages, below 15 or 20 per cent., could not be detected?—I should think it is a mistake of the shorthand writer.

1582. You consider that it is not the fact?—I cannot say it is not a fact. I say I should think it is a mistake of the shorthand writer.

Sir *Mark Stewart.*

1583. I want to ask you one question. In your opinion would it be any injury to the farmers if a pure margarine was solely made and not mixtures?—I do not think it would, much.

1584. But if mixtures were made you think it would be detrimental to their interests?—Undoubtedly.

1585. Because in a large factory, consuming the milk of several thousand cows, if margarine were made it would still promote that trade?—It must injure it a little, but I think the benefit is very great to the poorer classes.

1586. You are not against the manufacture of margarine?—I am not against the manufacture of margarine, because I believe it to be a good and useful article of consumption.

Mr. *Lambert.*

1587. And quite as good, I presume, uncoloured as coloured?—I think that is shirking the question. It cannot be so good to a person who does not like it uncoloured.

Sir *Mark Stewart.*

1588. Will you tell the Committee what effect the freezing process has on butter?—As soon as it gets into a warm kitchen and melts a bit it gives out a rather strong odour, from the two reasons of having been frozen and having been made perhaps a matter of two months. In its cold frozen state, to the nose, and almost to the palate, it is very good indeed, and you would fancy it fit almost for high-class butter; but after sending it out and it being in the house two or three days it will have deteriorated at least 2*d.* or 3*d.* a pound.

1589. Therefore you would never calculate on colonial butter taking the place of the first-class butter of this country, I presume?—Certainly not.

Mr. *Kilbride.*

1590. Are you aware what, approximately, is the total value of the butter produced in the United Kingdom yearly?—No.

Mr. HARALD FABER, called in; and Examined.

Chairman.

1591. I THINK you have been appointed by the Danish Government for certain duties in England in connection with the butter trade?—Yes; to look after the interests of the Danish agricultural produce sent to this country, and the trade in them.

1592. In what way do you perform those functions?—By communicating with the people who trade in them, by visiting different places, by receiving communications and complaints about the quality of the food, or about unfair competition with the goods, and by examining into the best means of transport for conveying them to this country.

1593. And generally supervising the trade in Danish butter?—Yes, and bacon, and other agricultural products, in fact.

Chairman—continued.

1594. More especially with reference to butter. I believe you receive information from different parts of the country?—I do.

1595. As to the sale of spurious butter as Danish butter?—Yes; as to the sale of other butters under the name of Danish which are not Danish, or as to butter adulterated with margarine being sold under the name of Danish. I have received several communications of that kind.

1596. And when you receive such communications do you take steps to prevent the fraud?—Sometimes I do when there seems to be a clear case.

1597. In the interests of the Danish producers?—Yes; but I have done that in several cases by the request of English traders.

1598. And

Chairman—continued.

1598. And you also keep under observation the improvements made in butter and similar products in this and other countries?—Yes.

1599. So that you are practically devoting your whole time to a survey of the different food products, and more especially those connected with dairy products and farm products?—Yes.

1600. Probably the best plan for you to pursue will be to tell us first what you do in Denmark with regard to the substitution of margarine for butter?—We have a third Margarine Act now. The first Margarine Act was passed in 1885, and a more extensive Act was passed in 1888 and revised in 1891, which is still in force.

1601. In what way does that prevent the substitution of margarine or margarine mixtures for butter?— By the first Act it was required that margarine should always be kept in certain shaped packages, marked with a certain mark, and that provision is still included in the present Act.

1602. Is it effective for its purpose, do you think?—It is very effective.

1603. Then in addition to that I believe you have a system of inspections?—We have special inspectors appointed, with no other duties than to look after the working of the Margarine Act, to inspect butter and margarine in all the places where they are manufactured or kept for sale or conveyed.

1604. And their duty is to see that this margarine is kept in those receptacles, and that they are marked in a certain special way?——

1605. So as to indicate that they are margarine?—Yes, and marked with the name "margarine."

1606. Then the inspectors are also, I suppose, empowered to take samples for analysis?—Yes, they can take samples from everywhere; they have access to every place where margarine, or butter, or oleomargarine, or margarine cheese, are manufactured or kept for sale, or sold, or stored.

1607. Then the Government pays the expenses of all this?—Yes, the Government pays the expenses of all that.

1608. It is not done by the local authorities?—No.

1609. But it is done by the Central Department of the Government?—Yes.

1610. And they also put a limit on mixtures, do they not?—Yes.

1611. How?—By the Act it is prohibited to add more than 50 per cent. of butter fat to the mixture; but on account of the colour section of the Act it is impossible to have as much butter as that; the colour section provides that the colour of margarine must not exceed a certain yellow tint, and if they add more than at the most a little more than 20 per cent. of butter, it would exceed in colour that pale tint, and thereby, really, the prohibition of mixtures is carried much further than by the words of the Act.

1612. Is that true all the year round; does not butter vary in colour at different seasons of the year?—Yes, stall-fed butter you could have more pale than summer-made butter.

Chairman—continued.

1613. Then in that case you might have a larger percentage of butter in margarine, might you not?—We have never had any more than 25 per cent.

1614. You think the colour test is sufficient to prevent that?—As a matter of fact they have not added any more butter, whether they could or not.

1615. We have had evidence here before us to show that at certain seasons of the year the natural colour of butter approaches so closely the colour of margarine that detection is difficult; would you agree with that evidence?—Yes, winter-made butter without colouring is very pale.

1616. Could not more of it be added to margarine without the colour test coming into application so effectively?—Yes, perhaps it could.

1617. So that you might in certain conditions in Denmark baffle the colour test?—Well, so far as the colour test goes, that is not meant really to put a restriction on mixtures; it is simply meant to make the margarine have its proper colour so that people can see which is margarine and which is butter. But it is found practically to have that other effect; at least I take that to be the effect of it.

1618. That is a secondary effect?—Exactly.

1619. I think you have a copy of the colour tests to show us?—Yes, I have them here (*producing the same*). By the Act of 1888 they were made like this one with a white border; and by the new Act it is found that they work better if they have a black border.

1620. Will you take one of these colour tests and just explain to us what they mean; take the new one?—If you have to examine a piece of margarine to see whether the colour is too high or not, you take out a sample and cut a small slice with an even surface, and place yourself with your back against the light, and hold the colour plate up like this (*describing the same*); you then hold the piece of margarine close to it to see whether it is about the same colour as this test. There are six different colour plates marked from A to F., in this way: that A. is the most reddish yellow in colour, and F. is more greenish. Then the first thing to be found is which of these different tints the colour of the margarine resembles most; and when you have found that, for instance, if it is found to be about the same colour as *that*, but paler, then you move it up and down to find opposite which of the 14 divisions the exact depth of colour is found to correspond. First you find the different shade of colour, reddish or greenish, and afterwards the depth of colour, more or less pale. It is required by the Act that the colour of margarine must not exceed that of No. 9 on these scales.

1621. So that all the higher colours must necessarily be butter?—Yes, or offences against the Act.

1622. So that if you were to take a specimen of butter, and put it on one of these tables, and find that it was the colour of No. 4 or No. 5, that would necessarily be butter or an adulteration?—Yes.

Chairman—continued.

1623. If it were found to be an adulteration, it would be an offence against the Act?—Yes.

1624. So that the colour of margarine is practically limited in Denmark?—It is.

Sir *Mark Stewart.*

1625. Is that a true test?—It is a very difficult test.

1626. But can you depend upon that being good as a test?—It is very difficult to perform. The three margarine inspectors in Denmark have, by working together, been able to perform the test so that they agree between themselves; but very many people are unable to estimate the exact depth of a colour.

Chairman.

1627. Would that test be sufficiently trustworthy to obtain a conviction against a person?—It is in Denmark, because if the inspector says it is a higher colour, that is sufficient evidence.

1628. Then you practically limit the change of colour allowed in margarine by the Danish law?—Yes, we do, certainly; but it is a very delicate test.

1629. Then for any offences under this Act there are heavy penalties?—Yes.

1630. What are the penalties?—For minor offences they are from 2*l.* 10*s.* to 5*l.* or 10*l.*, and for heavier and more serious offences they are imprisonment.

1631. What do you mean by more serious offences?—Adulteration of butter, or the existence of any mixture of more than 50 per cent. of butter fat; that would be considered adulteration.

1632. That is to say, mixtures sold as margarine, or a mixture of margarine and butter?—Not sold, but the having in one's possession of a mixture containing more than 50 per cent. of butter fat would be considered the having in possession of adulterated butter, and that would be a serious offence.

1633. That would probably on the first conviction lead to imprisonment?—Yes, it would, surely.

1634. And you think it is necessary to have these high penalties in order to insure the purity of the butter?—I think everybody concerned in the trade would find it very much less annoying if the Act was very strictly enforced by means of heavy penalties.

1635. Not imprisonment?—Yes, for repeated offences for instance.

1636. Then you believe imprisonment is necessary?—Yes, I do. I think that experience in this country has shown that even high fines have not been sufficient to check offences under this Act. There is a special firm in Gloucester that has repeatedly offended under the Margarine Act, and still goes on doing so.

1637. That is to say that the profit that they have obtained by fraudulent offences is sufficient to make it worth their while to pay high fines and still go on?—Yes.

1638. Have you many convictions that you could tell us about in Denmark?—I have a list of the convictions in the different years, or rather, not convictions, but reports of infringements; there were not convictions in every case. In the first year after the Act of 1888 was passed, there were 176 reports of infringements; in the next year 81; in the next year 36, and then 10, then 26, and then 21. That carries us up to the 1st of April 1894.

Chairman—continued.

1639. Then it would appear that the Acts in the first place were sufficient to greatly diminish the infringements?—Yes, and that appears also from some information that I have of the amount of fines. There were, for instance, during the first year 32 offences against Section 3 of the Act, which provides that the shape of the package must be oblong, so that the longest dimension must be at least one time and a-half as long as the shortest. There were cases where there were three-eighths of an inch wanting of the length, and the fine was 5*l.* Altogether there were 32 offences against the provision as to the shape or marking of the packages. In one case there was a fine of 6*l.* with costs and confiscation of the goods; in 23 cases there was a fine of 5*l.*, with costs and confiscation of the goods; in five cases there were smaller fines, and three cases were dismissed.

1640 Then the result seems to have been for the first three or four years to have reduced the number to 10?—Yes.

1641. And then after that period they rose again?—Yes.

1642. Why was that?—I suppose whether it is 10 or 20 it is practically the same. You could not, I take it, in any country avoid some offences under any Act; there will always be some, and the number will vary up and down.

1643. You think the recent variation, that is the slight increase in recent years, is not of any importance?—I do not think so.

1644. It does not show that the Act is ceasing to have its effect?—By no means. These infringements during the last year were nearly all infringements against the provision in the Act that in every place where margarine is sold there must be posted a large poster stating that "Margarine is sold here."

1645. Then the offences, in your opinion, in later years have been slighter offences than those of former years?—Yes; I have put them down here, showing how many offences there were against each section:—

Infringements.	1889–90.	1890–91.	1891–92.	1892–93.	1893–94.
Against Section 2	1	–	–	1	–
" " 3	18	13	9	19	10
" " 4	6	–	–	–	1
" " 5	2	8	–	2	8
" " 7	26	6	–	–	–
" " 9	–	–	–	2	1
" " 12	28	12	–	–	–
" " 14	–	3	–	–	–
" " 15	–	–	1	2	1
TOTAL	81	36	10	26	21

1646. Have you any statement as to the penalties or imprisonment inflicted?—Not except for the first year.

1647. Can you tell us for the first year, please, what they were?—I have mentioned 32 cases under Section 3. There were 12 cases during the first year where in shops where margarine was sold a poster

Chairman—continued.

a poster was not put up "margarine sold here"; or in some cases it was put up but the letters were not of the correct size or correct cut. In seven cases there was a fine of 5*l.*; in three cases there were smaller fines; and two cases were dismissed.

1648. Were there any imprisonments?—No, not for that.

1649. Or for anything in the first year?—No, because there were no offences of the more serious kind. There were no adulterations, and no margarine sold as butter.

1650. Can you give us any instances of imprisonment having been inflicted?—Yes, there has been a dealer imprisoned for selling adulterated butter in a country district, and in Copenhagen a retail dealer was found to have sold margarine in a wrapper on which it was marked that there was a quantity of 6 per cent. of butter fat, while as a matter of fact there was only 1 per cent. He was imprisoned for 14 days.

1651. Only 1 per cent. of butter fat?—There was only 1 per cent. of butter fat in the margarine, but on the wrapper it was stated that there was 6 per cent. It is required by the Act that the percentage shall be stated on the wrapper.

1652. Is it possible to get margarine with only 1 per cent. of butter fat in it?—It is possible to get margarine with less than that.

1653. It has been stated here in evidence that in the manufacture of margarine, as carried on at all events in some countries, the process leads to something like 5 per cent. of butter fat being mixed with it?—That is in Germany, I think. I saw the evidence in question. The German Margarine Act forbids the admixture of butter to margarine, but it allows the use of 100 parts of milk, or 10 parts of cream to 100 parts of the finished product; that means an allowance of 4 per cent. of butter fat in the finished product. But you can make margarine with skimmed milk. I undertook a prosecution in Derby against a dealer for selling, as a mixture of margarine and the finest Danish butter, a substance which was quite devoid of butter, as was proved by analysis by Mr. Otto Hehner. There was not a trace of butter fat in that margarine.

1654. Is that the case with the margarine you have to deal with in Denmark very much?—That generally contains a few per cent. of butter fat.

1655. A small percentage?—Yes, only a small percentage.

1656. In that case which you refer to the man was imprisoned for selling this compound as containing 6 per cent. of butter, when in reality it only contained 1 per cent.?—Yes; the Act requires that the marking of the margarine packages, as well as the marking of the paper in which it must be wrapped, shall contain the word "margarine" in letters of exactly this size and cut (*exhibiting the same*), with an oval line round it, and underneath a statement of the contents of butter fat, so many per cent. (here is one, for instance, of half a per cent.), and they must guarantee that there is not any less butter fat than what is on the paper, and then the name and address of the manufacturer must appear.

Chairman—continued.

1657. So that all margarine that is sold in Denmark is obliged to be wrapped in paper like that?—Yes.

1658. Containing not only the word margarine, but the percentage of butter fat guaranteed by the vendor?—Yes, and the name of the manufacturer.

Sir *Charles Cameron.*

1659. In England, is it your experience that mixtures are only sold as such, in a very small and decreasing proportion?—Yes.

1660. Since when has the trade taken that turn; is it a recent turn of the trade, this decrease in the sale of mixtures?—It is during the last few years. I have obtained some information from large dealers, large retail dealers; that means, dealers having many retail places in different towns in England, on that point. From two such retail dealers I have information; one of whom sells about 3,000 or 4,000 tons of margarine in a year, and they are both pretty much agreed as to the quantity of the different qualities of margarine and mixtures which they sell proportionately. They say that about three-fourths of all the margarine and mixtures that they sell are the 6*d.* quality, retailed at 6*d.* a lb.; only 3 or 4 per cent. of the quality sold at 7*d.*, is sold; and at 8*d.* they sell from about 13 to 15 per cent. Then the mixtures sold were about 10 per cent. or less. The mixtures are sold in two different qualities at 10*d.*, and at 1*s.*, and the quality sold at 1*s.*, in one case, was, during 1892, less than 4 per cent., in 1893, less than 5 per cent., and in 1894, less than 2½ per cent.

[*The Witness handed in the following Table*:—]

TABLE showing the Proportional Sale of the different qualities of Margarine and Mixtures.

EXTRACT from record Sales Books of two very large Retail Businesses, having branches in many different Towns, one having an average Yearly Sale of Margarines of nearly 3,000 tons, showing the Percentage of Total Yearly Sale.

YEAR.	Margarine.			Mixtures.		Total Mixtures.
	6*d.*	7*d.*	8*d.*	10*d.*	1*s.*	
A. 1892	75·42	2·67	12·47	5·55	3·89	9·44
A. 1893	73·81	2·52	13·47	5·01	5·19	10·20
A. 1894	77·78	2·16	13·51	5·15	2·40	7·55
B. 1892, 1893, 1894	69·4	4·8	15·0	7·3	3·5	10·8

Average 3·66 per cent.

Mr. *Kearley.*

1661. Would that be owing to the fall in the price of butter?—Exactly.

Sir *Charles Cameron.*

1662. You consider either that the sale of mixtures ought to be prohibited, or that a limit ought to be put to the contents of butter fat, which you suggest should not be higher than

Sir *Charles Cameron*—continued.

15 per cent.?—Yes, I think there is a distinction to be drawn between margarine improved by the addition of a smaller admixture of butter and butter adulterated by a smaller admixture of margarine, if mixtures are not prohibited altogether, which of course would be the simplest and easiest, and would facilitate the control of the trade very much.

1663. But might I ask you why you make that recommendation, when in Denmark you have no such limitation?—It was tried to put the limit at 10 per cent. last time.

1664. But as a matter of fact the limit in Denmark is 50 per cent.?—Exactly.

1665. And the practical limit according to your evidence is 25 per cent.?—Yes; but that is in my opinion a weak point in the Danish Act.

1666. That is, of course, your individual opinion; but the practice in Denmark is what I say, a 50 per cent. limit, is it not?—Yes; but margarine never reaches anything like that.

1667. Is your personal opinion based upon your conviction, that the sale of mixtures gives rise to much unfair competition and swindling?—Yes.

1668. You think that the strict enforcement of the Margarine Act would be to the interest of honest traders?—I think so, indeed; and I have had so much communication from traders to that effect that that is what I base that conviction on.

1669. Are the traders generally Danish traders that apply to you, or English traders?—English traders.

1670. Do you think that if inspectors of larger areas, or central inspectors, were appointed under the Act, they would find a willing co-operation on the part of the trade?—Yes, I think they would. I have had several cases where dealers in several towns have written to me, and complained that their competitors were selling adulterated butter, which they would not themselves do, but by that means they were taking their customers away from them, and they had no means of getting the Act enforced in that particular place.

1671. We have had a good deal of original evidence on that point, and as you have so much to tell us that is interesting concerning Denmark we had better confine ourselves, I think, to that?—Very well.

1672. You would recommend the adoption in England of the Danish provision as to a specially marked and shaped receptacle?—I consider that very important; and not only that, but that it should be understood in this way: that margarine must always remain in that receptacle.

1673. In fact, as you express it in your *précis*, that no margarine must be found, whether exposed for sale or not, except in the prescribed receptacle?—Yes.

1674. And you would recommend the restriction as to mixtures, which you have explained?—Yes; the ordinary custom in many retail shops of having a marble screen, behind which they have a lump of butter and a lump of margarine undistinguishable by the ordinary customer, is a means by which many people evade the Act. The margarine if found behind this marble screen is not exposed for sale, and therefore does not fall within the provisions of the English Margarine Act. Then, when a customer comes in and asks for butter, if it is a known customer, he gets margarine, and if the inspector comes in he gets butter. Nobody can control what they take from behind these marble screens; that is what I think should be avoided by the provision that margarine must always be kept in special receptacles; but, at the same time, the inspector should have access behind the counter into any part of the premises.

1675. You recommend that the inspection should be extended to factories and wholesale stores?—Yes; under the present Margarine Act it is very difficult, if not impossible, for the inspectors to get samples or to get inspection of goods standing in wholesale places or in warehouses.

1676. In connection with factories, there are certain large factories in this country conducted by your compatriots, are there not?—There are two.

1677. The manufacture is, to a larger extent, I believe, in the hands of Danes, is it not?—There is only one I know of, Mr. Monsted, who has two factories; and the reason, I should say, why he has erected his factories on this side, and not in Denmark, is because of the Colour Section of the Danish Act.

1678. In fact, he has greater facilities afforded him under the English law, and he prefers to come to England?—If he was manufacturing in Denmark only (he has a factory in Denmark) he could not export from Denmark to England, because the pale Danish margarine cannot be sold in this country.

1679. I was going to ask you that; is it the fact that the effect of the Danish law as to colour has practically killed the export of Danish margarine?—There has never been any very great export of margarine, but it has had the effect of making the export almost impossible.

1680. You have told us as to the German law which forbids the having of margarine with more than 4 per cent. of butter in it, which makes it an adulteration, in fact; but I believe there is a considerable amount of adulterated butter imported from Hamburg, is there not?—Yes, there is; it is, so to speak, systematically manufactured adulterated, in Hamburg, and sent to this country under the name of Hamburg factory butter.

1681. But then, how does that escape the German law; how does the German law bear upon that?—That is exported from Germany. Those manufacturers cannot sell that stuff in Germany; or if sold in Hamburg, which it has been, they have been fined, or, I believe, even imprisoned; I believe there has been an imprisonment in Hamburg for selling Hamburg factory butter. But it is exported to this country on a large scale.

1682. Then the German law and the Danish law differ in this respect: that you will not permit the manufacture, for export, of margarine that you would not allow to be sold in Denmark, whereas the Germans apparently do permit that?—We certainly do not allow that; but I suppose by law they could not allow in Germany either anything to be exported that they would not allow to be sold in Germany. I do not believe it is allowed by law, but they certainly do not take any steps to stop it.

1683. You

Sir *Charles Cameron*—continued.

1683. You say that a very large amount of margarine marked as guaranteed pure butter is imported to this country, and you can give us some information about that, I believe?—Yes, I have particulars as to cases of Hamburg factory butter bought in Manchester. One was marked "Choicest estates, made in Germany, guaranteed pure butter, German produce"; another was marked "Special quality, foreign produce, guaranteed pure butter"; a third one was marked "Guaranteed pure butter, German produce"; another was marked "Selected mild dairies, pure butter, foreign produce"; another "Selected new milk dairies, foreign produce, guaranteed pure butter"; and another was marked just the same. There are some letter-marks of no importance, of course. Those were all proved, by analysis, to be adulterated.

1684. Those could have been stopped at the port of import, could they not?—If samples had been taken and analysed, certainly.

1685. The law provides for that, although we have been informed that it is scarcely ever properly worked?—So I understand.

1686. Now we come to the analysis of butter; you believe that a very small amount of margarine may be detected in butter?—It may be in certain cases; and, as I hear, has been by Mr. Otto Hehner, for instance.

1687. Will you give the Committee such information as you are able to offer on that point?—In some cases margarine, which is used for adulteration, contains certain vegetable oils which can be traced, by chemical re-actions of great nicety, even when present in very small amounts. By that means very small amounts of the margarine containing these oils can be traced in butter.

1688. But there is some fallacy which is apt to creep into that method, is there not, due to the presence of oils in feeding?—Yes.

1689. Would you explain that to the Committee?—There are two different kinds of vegetable oil which give chemical colour re-actions, namely, sesame oil and cotton-seed oil. By a certain re-agent you can produce a distinct scarlet red colouration, if the sesame oil is present, and the cotton-seed oil can be detected by the black colour produced by another re-agent. Therefore, if either of those oils is present in the butter, you can trace it by that means. Then the question naturally arises whether they may enter into genuine butter by feeding; and, in order to test that, some feeding experiments have been carried on.

1690. By Professor Stein?—Yes.

1691. Will you please give us a *resumé* of those experiments?—He had some cows fed on sesame cakes. Before the feeding with those cakes commenced, the milk was tested, that is to say, the butter from the milk was tested, and gave no reaction for the sesame oil; then the cows were fed with increasing quantities of sesame cakes, more, in fact, than ever would be used in practical dairying, and still the butter fat produced from their milk gave not the least reaction for the seasame oil; therefore, he concludes that the presence of that oil in butter is sufficient proof of adulteration. It was different with the cotton-seed oil, inasmuch that cows fed with cotton cake

Sir *Charles Cameron*—continued.

for only a few days, and only in small quantities, would produce butter that gave a reaction, only faint, from the presence of cotton-seed oil; so that the presence of that proved chemically is not quite conclusive as to adulteration.

1692. But how are sesame oil, or cotton-seed oil, used for the adulteration of butter; is it in connection with margarine as constituents?—They are constituents of margarine; they are used in the manufacture of margarine.

1693. I thought that was what was called nut oil?—That varies; these oils differ in price; and for the different qualities of margarine they use different oils; ground-nut oil is used for the finest margarine; sesame oil for the less expensive margarine; while cotton-seed oil is generally used for the lowest classes of margarine.

1694. So I suppose now that any manufacturer who wishes to make a good adulterable margarine will use cotton-seed oil, or should use it?—Or ground-nut oil.

Mr. *Kearley.*

1695. Is that arachis oil?—Yes.

Mr. *Frye.*

1696. Can you detect the nut oil in the same way as cotton-seed oil?—No, not by a colour reaction; I am not sure whether it could be chemically traced; but it would be a difficult test.

Sir *Charles Cameron.*

1697. Professor Stein did not carry his experiments to nut oil?—No, because he had no colour reaction of that kind to rely upon.

1698. Now we come to a matter upon which Danish evidence is very important; that is, as to the quantity of water in butter. What have you to say upon that point?—The quantity of water present in butter varies; it depends upon when the sample of butter was taken for analysis; because, if butter is sampled just when it leaves the dairy, or a few days after, it contains considerably more water than when it has been conveyed about and laid about for perhaps a few weeks, or has been cut up into small parcels, and wrapped in paper, and exposed for evaporation; so if there is a question of a limit to be put to the amount of water in butter, I think the question of when that sample of butter was taken, how old it was, and how it had been treated, would have to be taken into consideration.

1699. Some water is a necessary constituent of butter, is it not?—Yes, it would not be butter if there was not water in it.

1700. Would you state what is the average percentage of water in Danish butter freshly made?—Out of nearly 4,000 samples of Danish butter there was on the average found 14·4, or, more exactly, 14·36 per cent of water.

1701. And what was the maximum limit?—There were seven out of those samples that contained over 19 per cent. of water, which means that only 2–10ths of a per cent. of the total number of samples contained over 19 per cent., and less than 20 per cent.

Sir *Charles Cameron*—continued.

1702. And only 1 per cent. contained over 18 per cent.?—Only 1 per cent. contained over 18 per cent.

1703. You consider that the maximum amount of water in well-made butter is laid down in Denmark as being 16 per cent.?—Yes; Danish well-made butter, when sampled when freshly made, should not contain more than 16 per cent. of water.

1704. Do you prosecute or have you any laws against exceeding that quantity of water in butter?—No, that would fall under the common law. If there was a case of butter with an unreasonably large amount of water, it would be an offence under the penal code.

1705. But that is only if the water had been fraudulently introduced?—It would be considered to be that if it was much over 20 per cent. in any case.

1706. Is that so; if some butter unskilfully made contained 25 per cent. of water, say?—We would not believe in that; that would be punished as being an adulteration, I think. We have never had a case; but I am confident that it would be treated as such.

1707. There is less water in summer-made butter, is there not?—There is less water in butter in summer than there is in winter, in Denmark.

1708. And there is a considerable amount of evaporation that takes place from butter in summer?—Yes.

1709. Will you give the Committee your idea as to its range?—During the carrying on of some State butter shows that are still going on in Copenhagen, butter is kept in certain cold show-rooms for 11 days; the temperature varies very little in summer and winter, it is about 45 degrees; and during 11 days while it is standing there a cwt. cask of butter will lose about five ounces of water by evaporation only.

1710. Therefore, the amount of water found in Danish butter if analysed here would be less than if it were analysed in Denmark?—Yes.

1711. As a rule, do you consider that the more water there is in butter the lower the quality?—Yes.

1712. And the less its keeping power?—Yes.

1713. What have you to say about salt in regard to the percentage of water in butter?—Sometimes it is held that the more salt butter contains the more water there would be in that butter, but we have not found that to be the case, because fresh butter made in Danish dairies have contained fully as much water as the salt butter; and I find, in the last number of the "Analyst," some analyses made by Mr. Richmond, the analyst to the Aylesbury Dairy Company, that give just the same result; he has analysed both French and English butter, fresh and salt, and his average amount of water is in both cases higher for the fresh butter than for the salt.

1714. You say in your *précis* that salt is added to butter to help to extract the water; would you explain that?—When the butter is freshly churned and is wet, and it is a question of working it to make it more solid, then it is salted with dry salt, which is dissolved in the water that is present in the butter and forms a brine, which is more easily worked out of the butter than the water itself.

Sir *Charles Cameron*—continued.

1715. That is the Danish custom, is it?—That is the custom everywhere, I think.

Mr. *Kearley.*

1716. You salt your butter with dry salt?—Yes.

1717. Not with brine?—Never.

Sir *Charles Cameron.*

1718. You say it is the custom everywhere; do you mean that it is the custom everywhere in Denmark?—I think dry-salting the butter is the practice in every country, so far as I am aware.

1719. For the purpose of extracting moisture?—People may have different opinions why they do it; but that is what we consider to be the reason.

1720. What I wish to understand is this: it is the recognised plan, at all events in Denmark, concerning which you speak with knowledge, for extracting water out of butter?—Yes.

1721. What have you to say about the use of brine for washing or for salting butter?—The use of cold brine for washing the butter when it is taken out of the churn I consider is very good and very proper; but the use of warm brine for washing butter, or for working it into butter, I consider to be adulteration. That is just what they do in Hamburg when they manufacture their Hamburg factory butter; they work warm brine into the butter. You can work a large amount of water into butter if you work it in warm while the butter is soft; but if you have cold brine or cold water you cannot work it into the butter.

1722. They do not use that method of salting in Denmark?—No.

1723. Have you come across Irish butter with a good deal of water?—Yes.

1724. Will you give us your experience about that?—I have seen the statement made by Professor Tichborne in the cases that were before the magistrates at Manchester about the amount of water he found in 150 samples of Irish butter, which contained up to 31 per cent. of water.

1725. We have had all that evidence of Professor Tichborne, and references to his article before; I simply wish to ask you whether you have any observations from your Danish point of view to make regarding butter containing say 30 per cent. of water?—Only that we consider it impossible for any butter to contain that much water unless it is worked in purposely.

1726. You think that a maximum amount of water should be allowed in butter, and you would be for fixing a standard, would you?—Yes, I think it would be very useful to do that.

1727. And what figure would you fix?—That must depend somewhat upon when and where the sample of butter was taken. If butter is sampled in the dairy, or soon after it leaves the dairy, you would have to allow, I think, a larger amount of water than in an ordinary sample bought by an inspector in a retail shop, and brought to a public analyst, because so much water would have evaporated or drained away in the latter case that it would not compare with the other at all. For samples taken in dairies

or

Sir *Charles Cameron*—continued.

or from freshly made butter, you would have to allow about 18 or 19 per cent. of water, I think.

1728. Do you think that would be enough?—I think it would be enough.

1729. You are the author of this "short *resumé* of the Danish Margarine Act, with results of its working"?—One of the inspectors wrote it for me.

1730. You have explained a good number of its provisions; but the Danish Margarine Act also refers to cheese, does it not?—Yes, margarine cheese.

1731. There is a lot of margarine used for making what is called filled cheese, I understand?—Yes.

1732. And your law compels such cheese to be stamped "Margarine, Ost"?—Yes.

1733. "Ost" being, I presume, the Danish for cheese?—Yes.

1734. Do you allow colouring in connection with margarine cheese?—Yes, there is no restriction as to colour.

1735. But it is mentioned in this leaflet that the provision as to stamping this filled cheese has almost killed the trade; is that so?—Yes; this is the stamp that must be on the margarine cheese (*exhibiting the same*).

1736. Would you illustrate the bad effect it has had on the trade, or the killing effect it has had on the trade?—In the year ending the 31st March 1889 it was reported that about 1,800 cwts. of oleo-margarine were used in the production of margarine cheese, which was chiefly exported to England; two years later no more than 400 cwts. were so used. During the year ending the 31st of March 1893 the whole production was estimated at 2,000 cwts. of margarine cheese; and in the following year the production fell down to about 300 cwts. of cheese altogether. There was no import of margarine cheese, but there were exported 13 cwts. to London.

1737. You know, no doubt, from the constant contact in which you keep yourself with traders, whether there is much margarine cheese used in London?—Yes, I think there is a considerable amount imported into the country. At least complaints have been raised about that from several quarters.

1738. Where, then, is this margarine cheese supposed to be imported from?—From the United States.

1739. And from Germany?—That I do not know; I have not heard of it; from Holland, I think I have heard of it.

1740. The provisions regarding margarine have greatly restricted, or, in fact, killed, the margarine export trade from Denmark, have they?—Yes, and the home consumption as well.

1741. You are speaking of cheese, but I am speaking of margarine; so far as margarine is concerned, the restrictions of the Danish law have favoured its consumption in Denmark?—Yes.

1742. But killed its export?—Yes.

1743. So far as margarine cheese is concerned the restrictions of the Danish law have killed the consumption in Denmark, and ruined the export, too?—Exactly.

1744. In regard to your punishments for contraventions of this margarine legislation, I see you have imprisonment, on a restricted diet, of not less than five days, or penal servitude for two years?—Yes.

1745. Is penal servitude lightly resorted to in Denmark, as compared with this country?—I do not know, but imprisonment on restricted diet is much resorted to.

1746. You have here an interesting account of the system of analysis pursued in Denmark, at page 6 of the pamphlet?—Yes, that is the analysis of margarine and butter, to distinguish between them.

1747. Would you please explain that to the Committee?—The chief method relied upon in the analysis of butter or margarine is the so-called Reichert-Wollny method, by which the amounts of volatile acids are estimated, because genuine butters vary considerably as to the amount of volatile acids they contain. The estimation of smaller amounts of margarine in butter is very difficult, and, in a good many cases, impossible; therefore, resort is taken to other methods, and especially with great success to the colour reactions of the vegetable oils when they are present.

1748. Are the shopkeeping public in Denmark satisfied with the results of the Danish analyses, or do you have complaints of them?—There is no complaint as to the analyses; they are all done by Professor Stein, who has a great name, and everybody believes in his analyses. There is no doubt of that.

1749. But you are aware that among the selling classes, the retail classes in this country, there is a great amount of discontent, even while admitting the eminence of many gentlemen connected with public analysis?—Yes, I know that.

1750. According to Danish experiments it has been found that milk produced on a small farm differs in many cases from milk produced on the larger farms as regards the composition of butter fat, to such an extent that it might, if you were not aware of the fact, cause it to be declared to be adulterated?—Yes; that is in this way, that butter produced from late milking cows, that means cows producing only a small amount of milk before they run dry, before calving, is, to a certain extent, abnormal, and resembles, chemically, butter adulterated with a certain amount of margarine; therefore, if it happens that on a small farm many of the cows at the same time are running dry, the butter product from that farm would be of this abnormal composition; while if you have, as we generally have, co-operative dairies, drawing milk from many different farms, that would not so easily happen, because if on one farm the cows were late milking, they might be freshly calved on another farm.

1751. The laws in Germany regarding margarine and margarine cheese differs considerably, as you have explained to us, from those in Denmark?—I am not aware whether margarine cheese is comprised in the German law.

1752. What I was going to ask you was, whether the export trade that Denmark has lost, Germany has gained?—We have not really lost any export trade, as we have not had any; but Germany can export margarine, inasmuch

Sir *Charles Cameron*—continued.

as they can colour it. That is the only reason why Danish margarine cannot be exported.

1753. I will just ask you, in conclusion, whether you have anything further you would like to mention to the Committee?—I do not think so.

1754. Will you put in some of those labels and colour tables, which you have shown us?—Yes. (*Handing in the same.*)

Mr. *Kearley.*

1755. With regard to the salting of butter, you think that the process of dry-salting tends to diminish the quantity of water that is naturally in butter?—Yes.

1756. That is to say, before the operation of salting takes place, there is necessarily a certain percentage of water in butter?—Yes.

1757. And the process of dry-salting removes some of that water?—Yes.

1758. But the use of hot brine would tend to increase the quantity of water, would it not?—Yes.

1759. It would make the butter more absorbent of water?—Yes.

1760. And you regard that as an absolute adulteration?—I do.

1761. You do not object to cold water?—No, for washing.

1762. Because it has not that effect?—Exactly.

1763. But hot brine has?—Yes.

1764. You favour a standard for water in butter?—Yes, I think it would be useful, because butter is surely sold with more water than it ought to contain, and that ought to be, in my opinion, punishable; and I do not see that that could be done unless there was a standard.

1765. What would you suggest as a fair standard?—Sixteen or 17 per cent for ordinary samples bought in a shop, and 18 to 19 per cent if freshly sampled from the dairy.

1766. You make the distinction, of course, because there is a certain amount of evaporation going on all the while?—Yes.

1767. And that ought to be discounted, as it were?—Yes.

1768. Do you think that 17 per cent would be a fair standard; that there would not be a chance of any honest shipper being convicted for that?—No, I do not think so.

1769. Your experience of over 4,000 samples, shows it 14·4 per cent?—Yes, less than 14½.

1770. We have had some evidence from you with regard to Hamburg factory butter, so called. Have you, yourself, acting on behalf of the Danish Government, taken any steps to have this spurious butter stopped at the port of entry?—I have been asked by English firms, by some English dealers, to assist them in getting up evidence as to the importation of Hamburg factory butter.

1771. Did you make any direct representations in your official capacity to the English Government as to that?—Yes, as to international action, some years ago.

1772. Could you give the Committee a slight outline of what took place?—It was suggested really in the first instance at the International Agricultural Congress at the Hague, in September 1891, I believe, that the different Governments should agree between themselves to assist each other in putting down adulteration of foods generally; and there was a resolution passed at the congress, proposed by Mr. Maas, the Dutch Consul here, and M. Meline seconded it. That International Agricultural Congress had no power to do anything else but to pass such a resolution; but afterwards they tried to get it enforced, to get some Government to take it up. They tried first the Swiss Government, but they would not do it; and then they asked me to represent at home that it would be to the interest of Denmark if the Danish Government were to take it up; and they made representations over here to the English Government suggesting that steps should be taken to meet this case. If a man abroad exports adulterated butter to England, and the butter passes the Customs and is distributed in England, the manufacturer and shipper of this adulterated butter is no more responsible, and could not be reached after that; therefore the idea was that when it was imported and found at the importation to be adulterated, representations should be made to the Government of the country from where the butter came, and then they should be under obligation to take up the matter and have the original shipper or manufacturer of that adulterated butter punished according to their own laws.

Mr. *Kearley*—continued.

1773. But in addition to that the suggestion, indeed the main suggestion, I take it, was that our Government, through the Customs, should make inspection at the post of entry?—I think reference was made to Section 8 of the Margarine Act as being sufficient to enable the Government of this country to do that part of the international work, namely, inspection at the port of importation.

1774. Asking them to put their own Act of Parliament into working, as a matter of fact?—I do not think it was worded in that way.

1775. But that was the practical effect of it?—Yes.

1776. You have had some experience, I believe, with regard to analyses of margarines which contain vegetable oils?—Yes.

1777. When did you first learn that vegetable oils were being worked into margarines; was it through your analysts?—That has been done for many years; and those two special chemical tests that I have referred to, the tests for sesame oil and cotton-seed oil, are of several years' standing, but have not been used perhaps so much as they ought to have been.

1778. With regard to Hamburg factory butters, you discovered that they were containing margarine, which in itself contained vegetable oils?—Yes.

1779. Was it a new revelation to you that those butters were coming over so adulterated?—No; those butters were coming in, and had been coming in for a long time, and it was well known that they were adulterated, but it had not been possible to prove it by the ordinary analyses, because, by applying the ordinary tests they were found to contain certainly a low amount of volatile acid or soluble acid, but still no less than could be found in undoubtedly genuine butter; therefore the ordinary tests were

Mr. *Kearley*—continued.

were not sufficient to condemn them; but then by the application of these special colour reactions, they were proved to be adulterated.

1780. And was that discovered for you by English analysts?—Yes.

1781. Whose opinion did you take?—Mr. Otto Hehner's.

1782. Did you take any steps to have his results tested in your own country; I believe you have in Denmark a very celebrated analyst in connection with the butter analyses?—No; that was at the same time as the work for getting up the international conference against adulteration was going on; and in connection with that I had a request from Somerset House, asking me whether I could prove to them that adulterated butter came into this country at all; in reply to that, I brought them some samples of these Hamburg factory butters, of which I have the particulars here.

1783. Then, Somerset House applied to you really for information?—Yes; they asked me (I believe it was from the Foreign Office originally) whether there was proof of adulterated butter coming into this country, because, if there was not, there was no reason for the English Government to take any steps.

1784. Did Somerset House examine any of those butters afterwards?—Yes, they examined five samples of Hamburg factory butter which I sent them.

1785. Did they agree with the analysis which had been made in other quarters?—No.

1786. Their results varied?—They did not agree.

1787. What decision did they come to?—They came to the result that they were undoubtedly adulterated, but adulterated without any regard to the vegetable oils. Even if these vegetable oils had not been present they would have detected the adulteration.

1788. But, so far as regards the vegetable oils, did they fail to detect them?—No; they detected them.

1789. But there was variation in the quantity, according to their judgment?—The application of other tests gave a different result by their analyses.

1790. The Danish Government take all these steps you have related to us to foster and protect the Danish industry in Denmark, I take it?—Yes.

1791. Which is a very important industry for the country?—Yes.

1792. What is likely to be the result of the tremendous fall in values attributable to the large imports of colonial butter, mainly on the success of the Danish industry?—Of course, it pays very much less; it is difficult for the Danish farmers to make it pay now.

1793. Is it likely to limit the production?—Yes, it may in time; but that is a thing that is not very quickly done; they have the cows, and they keep on producing.

1794. And you do not believe in the continuance of these very low prices?—Yes, I do.

1795. Do you think that the low price of colonial butters tends to depress the value of butters all round, including Danish butter?—Yes; the increased importation of colonial butter is sure to decrease the value; but that great decrease in the price of butter is not solely due, at all events, to the importation of colonial butter; but the increase in the importation into this country from Denmark has been very extraordinary.

Mr. *Kearley*—continued.

1796. But still your price has shown no falling-off in value until recently; it has been maintained at the same figure, has it not?—Yes, until last year.

1797. Your ordinary price for butter, I believe, went up as high as 140*s.* every winter?—Yes.

1798. And sometimes higher?—Yes, for a short time.

1799. But this year it has never approached that, has it?—No. Of course, the colonial butter affects it very much in the winter time, but the large amount of Scandinavian butter coming would have made itself felt on the prices, I believe. The increase of importation from Denmark in 1894 over 1893 was just the same as the total importation from Australasia in 1893.

1800. Do you ship a good deal of your butter to Holland?—No, very little.

1801. It is re-shipped from England probably?—Yes.

1802. It is used largely by the margarine people, is it not?—Yes; but they buy it chiefly here.

Sir *Mark Stewart.*

1803. Is most of the butter in Denmark made in the creameries or factories?—Yes.

1804. In both?—No, in what we call co-operative dairies.

1805. Almost entirely?—No, but a very large amount of it.

1806. Are the farmers partners in the co-operative dairies?—Yes; they are owned by the farmers.

1807. And superintended by Government inspectors?—They are under the supervision of the margarine inspectors so far as adulteration goes.

1808. Merely for that purpose?—Yes.

1809. And Government instruction is not necessarily given?—Only when they ask for it. They are not under the supervision of the dairy expert on behalf of the Government, but there are dairy experts whom they can call in if they like.

1810. Without payment?—No, they have to pay for them; but it is a small fee.

1811. They are provided by Government?—Yes, there are three provided for the whole country; but some agricultural societies have their own.

1812. Constantly employed as itinerant experts?—Yes, constantly employed as itinerant experts.

1813. And they go from place to place?—Yes, they are called in from dairy to dairy, and have more to do than they can possibly manage.

1814. What is the amount the Government gives to the superintendence of dairying?—I am afraid I cannot tell you off-hand; I did not anticipate I should be asked that.

1815. Do the farmers there object to the manufacture of margarine?—Yes, some of them are very much against it; some of them, at the time

Sir *Mark Stewart*—continued.

time when the Margarine Act was under discussion, wanted to have all the manufacture and importation of margarine, and the whole existence of margarine prohibited.

1816. Stopped?—Yes.

1817. But are they more satisfied now?—Some of them complain that the production of margarine lowers the price of butter; and for that reason they are not satisfied.

1818. Is there a very considerable consumption of margarine in the country?—Yes, there is a considerable consumption.

1819. Is that on the increase?—No, lately it has been on the decrease. I suppose it has reached the highest point, and it will vary a little up and down. They consume about as much margarine now as probably they ever will; it will go up and down, and with the lower prices of butter it may tend to go down.

1820. Do the poor people use it as butter, or for cooking purposes?—They use it in the same way as they use butter.

1821. I think you have given evidence that there is a considerable quantity of mixture?—No, very little mixture; most margarines contain only a few per cent.

1822. I want to ask you a question about water in butter; I think you said that the maximum, in your opinion, should not exceed 19 per cent.?—Yes, that is very high.

1823. But 17 per cent. you thought would be a fair average rule?—No; 19 per cent., I think, when butter is sampled in the dairies, or shortly after it has left; but for samples bought in a retail shop, a sample of butter several weeks old, which has been lying about in paper, and warm rooms, and so on, the quantity would be very much reduced, and in that case I think 17 per cent. quite high enough.

1824. Under what law was imprisonment enacted; which of the three Acts you gave us, 1885, 1888, or 1891?—There was no imprisonment under the Act of 1885, but in 1888 there was imprisonment, and in the present Act of 1891 there is imprisonment.

1825. But it has been very rarely acted upon, I think you said?—Yes; because people have not offended sufficiently.

1826. And before imprisonment was enacted, were the offences numerous under which imprisonment could now be given?—I have no statistics as to offences against the first Act.

1827. But, in your opinion, has imprisonment been a great deterrent?—Yes; the fact that they could be punished with imprisonment for such offences would prevent people from offending against those sections.

1828. You say that you anticipated low prices prevailing at the present time?—Low prices for butter.

1829. Do you export much cheese?—No, hardly any cheese is exported from Denmark, because nearly all the milk is used for the manufacture of butter, so that there is only the skim-milk that remains, and we make skim-milk cheeses for home consumption, because they could not be exported.

Mr. *Kearley.*

1830. Do they have to declare those cheeses as skim-milk cheeses at the time of sale?—No.

Mr. *Kearley*—continued.

1831. They are allowed to be sold as cheese?—Yes; but very little whole-milk cheese is consumed in the country, except in the towns.

Mr. *Kilbride.*

1832. You told us that from 16 to 17 per cent. was the maximum amount of water that there ought to be in butter in retail shops?—Yes.

1833. But fresh from the dairy, you would go as high as 19 per cent.?—Yes.

1834. I presume that the butter you are now speaking of is butter manufactured in creameries or factories; manufactured, at all events, with the best appliances?—No, I did not really restrict myself to that.

1835. What difference of percentage would you allow for water in butter between butter made with all the latest scientific appliances and butter made on simply these small farms you have described in your evidence, where there are only a few cows, and where there would not be an opportunity for co-operative dairying, but where the butter had to be produced after the old methods, and with somewhat rude appliances; what difference of percentage would you allow, before you think magistrates would be justified in giving a conviction for adulteration?—The experience of Professor Storch and other analysts in Denmark seems to show that the old peasant butter made in small farms, where they keep a few cows, and sold in the market towns, poor and low-quality butter, contained considerably less water than the creamery-made or factory-made butter of the present day; often as low as nine per cent. of water.

1836. How has that come about?—I do not know; that is their statement.

1837. That has been proved by analysis, I presume?—Yes; their analyses of that kind of butter at the time it was produced, and put on sale in market towns, was found to be very low; I mean that the analyses gave a very low result for water, about nine per cent.

1838. I was under the impression, and I think we have had it stated to the Committee in evidence, that an abnormally high percentage of water reduces the quality of the butter?—Yes, very much.

1839. That when the butter contains over 20 per cent. of water, it must necessarily be of very poor quality?—Exactly.

1840. But as to this Danish peasant butter that you speak of which only contained nine per cent. of water, would that be any indication that it was a very high-class butter?—No; but I do not suppose we can conclude that because much water gives a low quality, a small amount of water would necessarily give a very fine quality; because you can certainly make very bad butter with very little water. The question is, can you make good butter with much water?

1841. What do you say as to that?—That is what we find in Denmark we cannot do. In Danish butter it is proved beyond doubt that if it has an amount of water over 15 per cent., the quality is reduced. There can be no doubt of that fact so far as Danish butter goes.

1842. I find that in the 4,000 cases you give in this pamphlet, which you have been good enough to send us copies of, over 3 per cent. contained

Mr. *Kilbride*—continued.

contained as much as 18 per cent. of water?—No, only 1 per cent.

1843. At any rate, from 17 to 17½ per cent?—Over 17 per cent.

1844. That is from 17 to 18 per cent.?—Yes; but that is below 18 per cent.

1845. But would not a stranger to the industry like myself, with no scientific knowledge whatever, listening to evidence from experts, when they say that over 20 per cent. is a low-class butter, and that 9 per cent. is low-class butter, naturally come to the conclusion that the percentage of water, after all, has not got a great deal to do with the quality of the butter, considering that 9 per cent. would be a bad butter, and 20 per cent. would be a bad butter?—I do not see that at all, because on a small farm with two or three cows, and knowing very little about butter-making and so on, they can make bad butter with very little water.

1846. Would that be due to the fact that in order to express the water the butter was too much worked?—No, it may be caused by so many things; uncleanliness, for instance, would be a great factor in reducing the quality of the butter.

1847. But would not the fact be, that in order to reduce the quantity of water so low as 9 per cent. they were obliged to give it an undue quantity of working, and that undue quantity of working would smash up the grain of the butter and make it look more like lard?—I do not see why they are obliged to do that.

1848. With the old rude appliances?—No; we have large factories where all the butter is hand-kneaded; so that it is not a question of appliances at all.

1849. I think you said that you would consider the use of hot brine adulteration?—I should consider that adulteration.

1850. Why?—Because I can see only one object in using hot brine in connection with butter, and that object is to get the butter to take up this water.

1851. An abnormal quantity of water?—Yes, I can see no other reason for using hot brine in butter making but that one, which is the reason why hot brine is used in Hamburg for making Hamburg factory butter, which contains so much water.

1852. What percentage of water does Hamburg factory butter contain?—As much as 25 per cent. of water.

1853. For how long is that Hamburg factory butter made to keep?—I have no experience as to the keeping of it.

1854. Is it made to keep for three or six months?—I do not know; I suppose not; I should not think it would. It would depend upon what quality of butter you would expect to have at the end of the time when you had kept it. No butter would keep good for that length of time.

1855. No matter of what quality, fine or salt?—Yes; no matter what you do to it.

1856. You cannot keep butter for six months?—No without its deteriorating; except, possibly, if you keep it cooled; if you keep it in cooled chambers; that is the only means I can conceive of by which you can keep the quality.

Mr. *Kilbride*—continued.

1857. What percentage of salt would you think it necessary to add to fresh butter if you intended to keep it two months or three?—I do not think, in the first place, it is a question of salt at all as to the keeping of butter, because we have made fresh butter with no trace of salt in it that kept even better, without any preservative, of course, than our ordinary salt butter, without salt. The question of keeping is, to a much larger extent, a question of good manufacture than it is a question of adding salt.

1858. Do you think that the Danish peasant butter, which you spoke of just now, would keep two or three weeks without a considerable addition of salt?—It was a very low quality of butter, dirty made, and so on, that would not keep any time. To make butter keep it must be of very fine manufacture, and it must be of very fine quality.

1859. And butter of very fine quality can be kept as well without salt as if you add [dead] salt to it, can it?—I would not say as well, but generally we have had that experience in some dairies, that the fresh butter kept longer than the salt butter.

1860. Are you a practical butter maker yourself?—Yes, I have learnt it.

1861. And that is your experience as a practical butter maker?—It is not by my own work that I learnt that; that is what I have learnt from information lately.

1862. You spoke in your direct evidence of the Manchester trials about water in butter; are you aware that on that occasion, I think it was, Professor Long said that butter might contain from 8 to 22 per cent. of water, and he would not consider it adulterated?—No, I do not remember that he said that.

Sir *Charles Cameron.*

1863. I have been asked to ask you one question here, as to a matter of fact, that I think it might be well for you to answer? With regard to the sale of margarine in Denmark, which under the Danish law must be sold as white, is it the fact that most of the casks have capules containing liquid colouring matter placed under the lid of the package?—I never heard that, but I know that it has been the custom to sell, with the margarine, some butter colour, so that the purchaser of the margarine when he got it home could colour the margarine himself, which is permissible by the Act.

1864. That is permitted?—It is permitted to colour margarine at home for home consumption.

1865. I suppose that indicates that the people have a taste for a butter-coloured margarine?—Yes, undoubtedly they have.

1866. One further question: it was the intention of the Danish Government, in passing this margarine legislation, to curtail the sale of margarine, was it not, in the interests of the dairy farmers?—Well, the intention was to keep those two products so distinctly apart that there should be no confusion. Of course it was in the agricultural interest to do so.

1867. How is it that the experience has proved so disastrous to the margarine cheese?—I suppose there is less *raison d'être* for margarine cheese than

Sir *Charles Cameron*—continued.

than there is for margarine. Margarine cheese was not sold as such before the Act; people did not know that they bought margarine cheese.

1868. It was a fraud then?—Yes.

1869. And the Act put down the fraud?—Yes.

Sir *Mark Stewart.*

1870. Could you obtain for us the amount which the Danish Government give towards the dairying industry?—Yes, easily.

Sir *Mark Stewart*—continued.

1871. Perhaps you could send us that information?—Yes.

1872. The whole amount both for itinerant inspectors and clerks?—Yes.

Mr. *Kilbride.*

1873. Or any amount expended by the Danish Government outside of Denmark to safeguard the Danish trade?—Yes.

Tuesday, 2nd April 1895.

MEMBERS PRESENT:

Colonel Bagot.
Mr. Colman.
Sir Walter Foster.
Mr. Herbert Gardner.
Mr. Kennedy.
Mr. Kilbride.
Mr. Newdigate.
Sir Mark Stewart.
Mr. Whiteley.

SIR WALTER FOSTER, IN THE CHAIR.

Mr. WILLIAM LAMB STOKES, called in; and Examined.

Chairman.

1874. WILL you state what are your qualifications?—I am treasurer of the South of Ireland Butter Merchants' Association, and agent for the Co-operative Wholesale Society of Limerick.

1875. For butter?—Yes, butters altogether.

1876. And you purchase annually, what quantity?—I purchase annually about 40,000 packages of butter.

1877. Representing a money value of what?—£150,000.

1878. And you have had, consequently, for a number of years a large experience of the butter markets of Ireland?—Yes.

1879. How many years?—Twenty-five.

1880. Do you know anything about factory butter?—Yes.

1881. And you have taken an interest in this question of the adulteration of butter?—Yes.

1882. In what way?—In various ways. I acted as one of a deputation which waited on the Chief Secretary in Dublin in the beginning of 1893; I waited on the different boards of guardians throughout the country, and I was the means of getting inspectors appointed under the Sale of Food and Drugs Act.

1883. And what was your reason for taking this interest in the inspection of butters?—It arose on account of the prosecutions that had been instituted in England for supposed excess of moisture in Irish butter.

1884. Those prosecutions were a revelation to you, were they?—They were, quite.

1885. You were ignorant before that of any excess of water in Irish butter?—Yes, perfectly.

1886. And, in consequence, you began to take steps to have the Irish butter examined in Ireland, in order to prevent any loss to its reputation?—Exactly. I may state that our opinion was that Irish butter could be brought down to the standard that was set up by the analysts. At the same time, we were perfectly ignorant of what the actual percentage in Irish butter was, and our idea was, in taking the steps that we did (that is, the members of the South of Ireland Butter Merchants' Association), that by going round to the different bodies and getting these inspectors appointed we would be able to get butter down to the standard that was set up by the analysts. As I say, at the time we did not know anything really about what the moisture in butter was.

Chairman—continued.

1887. Then you found the butter-makers, that is to say the farmers, were equally anxious with yourselves to attain that end?—Yes, and they did all they could to try and do so.

1888. And you made a certain amount of inquiry with reference to testing this question of the quantity of water in butter?—Yes, we took samples ourselves, indiscriminately, in all the markets that we attended and sent forward those samples for analysis.

1889. In what years was that?—In 1893 and 1894.

1890. How many samples did you take?—In the two years we took over 350 samples.

1891. What was the result of the analysis?—That they varied from 8 to 30 per cent. of water.

1892. They were taken indiscriminately, I suppose, without reference to any particular locality or person?—They were taken in different markets all over the South of Ireland, except Cork.

1893. Was there any special climatic reason for the high percentage of water in those butters in either of those years?—Yes, in the year 1893 we ascribed the very high percentage that existed, going up as high as from 24 to 30 per cent. to the very high temperature that did exist during those months.

1894. And, in addition to the high temperature, was there any other cause?—Yes, the Irish farmers are peculiarly situated as regards appliances, having a lack of cold spring water in a great many cases, and also a lack of ice.

1895. Then you would attribute the excess of water partly to defects and manufacture, and partly to the excessive heat of that summer?—Exactly.

1896. Can you tell from the rough appearance of

Chairman—continued.

of butter whether there is too much water in it or not?—I could not.

1897. It would not look wet?—No, we have often seen that a butter containing the highest percentage of water will look drier than butter that contains actually less.

1898. When you make a section of it with a knife, is there not any water oozing out of it?—Not naturally.

1899. If there is water oozing out in a section, does that not prove that there is water in it?—It does not practically prove that there is an excess of moisture in it if you see the water apparent in cutting the butter.

1900. What is that water due to?—It is due to imperfect manufacture, or to not having the water properly incorporated with the butter.

1901. So that on making a section of a lump of butter, if one sees water oozing from it, it is evidence of imperfect manufacture, is it?—Not necessarily; it may be due to the freshness of the butter, or that the water is not properly incorporated with the butter.

1902. Is not that imperfect manufacture?—I suppose it would be.

Colonel *Bagot.*

1903. Do you mean that if there was more water it would be because it was fresh?—Butter will show more moisture immediately after its manufacture. Supposing that a firkin of butter were made yesterday, and put on the market to-day for sale, that butter, although it may not actually contain a large quantity of moisture, will look as though it did by its natural appearance; whereas there might be more moisture in another butter that looked drier.

1904. But it would not necessarily have more moisture?—No, not on account of its apparent moisture.

Chairman.

1905. Did the result of these inquiries lead you to the conclusion that 16 per cent. was too low a standard to fix for water?—It did.

1906. In 1893 you took 152 samples between April and November?—Yes.

1907. What was the result of those particular samples?—Thirty-one of those samples were under 15 per cent., and 91 ranged from 16 to 21 per cent.

1908. The butter in Ireland is made in the spring and summer time, is it not?—Principally during the summer months.

1909. And not so much in winter?—Very little in winter.

1910. Does anything result from that?—Yes; that the farmers make their butter at a certain time of the year for keeping during the winter months.

1911. Why do they do that?—In order to avoid a glut on the market during the time at which all their butter is produced.

1912. That is to say, producing the butter at a certain season of the year they find it more profitable to make it to keep and sell all the year round than to flood the market with it during the summer months?—Yes, and also to supply the demand that exists at this side for this particular class of butter during the winter months.

Chairman—continued.

1913. Then the butter is kept during several months?—Yes.

1914. What means are taken to keep it fresh and sweet?—The general process is to salt it with about 5 per cent. of salt, and to make that properly incorporated with the butter they use about 15 per cent. of warm brine.

1915. And that warm brine is incorporated with the butter?—It becomes salt incorporated with the butter.

1916. And it adds to the water it contains?—Naturally; but it acts as a preservative at the same time.

1917. Do you use any artificial preservative as well?—I do not know of any being used in that class of butter.

1918. Simply the hot brine and the salt?—Yes.

1919. That class of butter is in large demand in the winter months in England, is it not?—Yes.

1920. And it is made in firkins, and sent over in firkins?—Yes.

1921. And it keeps, comparatively speaking, fresh for several months?—Yes, I have known it to keep five or six months.

1922. Does it get a good price?—Not a good price, perhaps, compared with the fresh butter that would be coming from Denmark at the time, but comparatively a higher price than, perhaps, they could have realised if they disposed of it when it was actually made.

1923. Can you give us the result of any experiment that you have made in keeping this butter?—Yes, I can. In order to test the keeping quality of Irish butter, salted by different means of salting, an experiment was made by the three witnesses who will be before you to-day; that is, Mr. Gibson, Mr. Hickey, and myself. Out of a tub of butter, or barrel of butter, we took 100 lbs. of unsalted butter; we divided the 100 lbs. into four parts equally of 25 lbs., and they were each salted by different methods. One was salted with 4 per cent. of dry salt; another was salted with 8 per cent. of dry salt, and one pint of warm pickle; the third was salted with 8 per cent. of dry salt, and no pickle; and the fourth was salted with 6 per cent. of a mixture of preservative and salt.

1924. What is that preservative?—Boracic acid.

1925. Did you afterwards analyse those four samples?—Yes; it was on the 13th of September that that experiment was tried, and those butters were then headed up and securely fastened and kept in cold storage until the 26th of February; that was over five months. On being opened on that date the result was that the first sample I have alluded to, that is, that salted with 4 per cent. of dry salt, was perfectly rancid, and had not kept at all. No. 2, that is the sample which was salted with 8 per cent. of salt and one pint of warm pickle, was exactly suitable for keeping purposes; it was the best sample of the whole lot, and quite saleable at the time it was opened. The sample, No. 3, which was salted with 8 per cent. of dry salt, and for which no pickle had been

Chairman—continued.

been used, was the worst keeping of the lot; it turned quite tallowish, and the salt had got crystallised and did not incorporate at all with the butter. The fourth sample was that for which a mixture of 6 per cent. of preservative and salt had been used, and that was considered the nearest approach to that in which the pickle had been used, Sample No. 2.

1926. Then, as the result of those experiments, would you say that the process of using brine and salt in the proportions you have named is better than using a preservative like boracic acid?—It is.

1927. And that the butter turns out a better sample after five months salted in that way than salted with preservatives?—Yes; and that salted with dry salt, either with 4 per cent. or 8, in neither case had kept at all; in one it was quite rancid, and in the other it had gone quite tallowish.

1928. Is boracic acid largely used for this purpose?—No, it is not; it was merely an experiment of our own. It is not used by the farmers of the country generally at all. In factories some preservative, I will not say boracic acid, is used, but there are different kinds of preservatives used.

1929. In 1894 you visited several dairies, I understand, to see the butter made?—Yes.

1930. With what result?—With the result that out of five or six dairies that we visited (I with Mr. Hickey) in the autumn of 1893, out of those various dairies there was only one that came below 15 per cent., and in each of these cases we saw the cream put into the churn, and we remained in the dairy during the whole of the time the churning was being made; we saw the butter taken from the barrel, and saw it going through the process of being washed and salted, and only one of those various samples came under 15 per cent.; the rest averaged from 16 up to 20 per cent.

1931. So that you come to the conclusion, from those visits to dairies in different parts of the country, that butter made by honest persons with a perfectly good intention might contain a larger percentage of water than the 16 per cent. which has been suggested as the standard?—That has been our experience.

1932. You also heard of a number of samples being examined by Professor Tichborne?—Yes.

1933. What are the results of that examination, in your mind; what were the results of his analyses?—The results of those analyses would show, to our minds, that at no time of the year would it be proper to fix a definite standard for water in butter; that the standard should not be a definitely fixed standard.

1934. How can you protect the public against the addition of water in butter, if you have no standard?—By making it compulsory for the analyst to state on the face of the certificate whether that water had been added with intent to defraud, or whether it was left in in consequence of the want of appliances, or because of its having been made at a high temperature, but that it had not been added with intent to defraud.

1935. How could an analyst tell the motive?

Chairman—continued.

—He should be able to tell whether it had been added to the natural moisture, or was in it naturally.

1936. Do you think that an analyst taking a piece of butter and putting it through certain processes for the purpose of discovering the percentage of water, could tell whether that water was there through defective manufacture, or whether it had been wilfully added for purposes of fraud?—Certainly, if the analyst knows his business he should be able to do that. We have it from an analyst himself that it can be done.

1937. Then you would have in all those cases a certificate from the analyst stating his opinion as to the source of the water?—Certainly.

1938. Do you think that Irish butter has improved during the last 10 or 12 years?—I am certain of that.

1939. Why do you think it has improved; to what cause do you attribute that improvement?—To the farmers being more educated now than they were 10 or 12 years ago; to the fact that the public taste having varied considerably, so that they require a better class of butter now, and to more care being taken in the manufacture of butter now than there was certainly in even the last five years The butter is better now than it was 5 years ago, not to go back 10 or 12 years, but 5 years.

1940. Then you think that competition in the butter market has stimulated the native producers to manufacture a superior article?—Certainly.

1941. Do you think that the competition of margarine has had anything to do with it?—I do not.

1942. Do not you think that the margarine manufacturer putting on the market a substitute for butter as palatable, and quite as good in appearance, may not have encouraged the butter makers to take more pains with the production of his article?—I do not think that the margarine question has at all interfered in the improvement in the manufacture of butter.

1943. In Ireland?—I do not think so.

1944. Do you think that there is any necessity to make further inquiry, either in Ireland or abroad, into this subject of water in the general manufacture of butter?—I think that every year some experiment should be made at the farms where these butters are made, to see the appliances they have, and also that these experiments should be made at different times of the year under different climatic influences, and where the soil varies to some extent.

1945. That, I think, would be the duty, would it not, of the producers rather than of any outside Committee, so that the evidence might be tendered to us after the inquiry was made?—That is the object we had in going round to see these different dairies ourselves. We did not know anything of this inquiry, but it was in connection with the percentage of water in butter that we went round to the different dairies at different times of the year, and where, as I state, the climatic influences did affect the production, and also where the lands and soil varied.

1946. Have you anything else to add to what I have asked you?—I do not think so.

Sir *Mark Stewart.*

1947. In your opinion, does the land affect the taste and the quality of butter?—I should say that it does.

1948. Is it not a common opinion among scientists that one cow will produce very much the same character of butter as another cow?—The milk of one cow compared with the milk of another will vary in butter fats to a great extent.

1949. But is not the quality of the butter very much the same?—I should say that the quality of the butter would be very much the same.

1950. Then how do you account for the land making much difference in the quality of the butter?—The land would make a difference in the extraction of moisture from butter.

1951. There would be less moisture in butter made from good land, do you mean?—From very rich land there would be more fat, and fat of a softer nature, and it would be harder to extract the moisture from that butter.

1952. Would you trace the larger percentage of water that is said to be generally found in Irish butter to that cause?—No, I would not.

1953. You say that one cause that has improved the make of Irish butter is the better education of the farmers. Do you allude to the creamery system or the factory system in Ireland?—I am not talking of either of those systems at present; I allude to the Munster Dairy School at Cork and the Glasnevin Dairy School at Dublin, where the girls go and get educated for butter-making all over the country. When those girls came back to the different farms, after having got instruction at the different dairy schools, the result of their having got that instruction will tend to improve the make of butter.

1954. Then you trace the main improvement in dairy education to those two systems?—Yes, and to what private individuals have done; and I think private individuals have done just as much in their own way as the schools.

1955. Have the private individuals adopted the itinerant system of butter instructors?—No.

1956. What have they done?—They have gone round and spoken to the farmers, and our association has issued three or four notices every year calling attention to the defects that we have seen in the manufacture of butter, either colouring or salting, and telling them from our experience what we think the best mode of producing the best butter.

1957. Has that been done by the large buyers and co-operative societies mainly?—It has been done mainly through the South of Ireland Butter Merchants' Association.

1958. In fact, it has been done through the trade?—Yes.

1959. In order to get better butter?—Yes.

1960. You stated that this Irish butter would not come up in value to the best Denmark butter; but at what price does the best Irish butter sell now?—At present, do you mean?

1961. What is its average price, should you say?—I should say that last year the price for farmer's best butter, the average price, would be something like 80*s.* a cwt.

1962. And what would it be now?—Something less than that now. The price at present for the best farmer's butter, that is the price they actually get in their market, would be about 74*s.* to 76*s.* a cwt.

Sir *Mark Stewart*—continued.

1963. That would be about 9*d.* a lb.?—Yes.

1964. And what is the price of the salted butter?—I am talking of salted butter at present.

Mr. *Kilbride.*

1965. Seventy-four shillings a cwt. would not be 9*d.* lb., would it?—No, about 8½*d.*

Sir *Mark Stewart.*

1966. What would be about the price of best fresh butter?—That is creamery butter. This Irish salt butter at certain times this year has been quite as high as the best creamery butter, in consequence of the scarcity of this class of butter in the English market, and from the demand that exists for it. Up to the present time this year there has been very little difference, comparatively speaking, between the price of this Irish salt butter as manufactured in the manner I have described, and that of the best creamery butter. I could tell you the difference that did exist last year between the two.

1967. If you please?—There would be a difference, I suppose, last year between the price of best farmer's butter and the best mild butter of about 8*s.* a cwt.

1968. Would you say that last year was a fair average year?—It was an exceptionally low-priced year; the prices were very low last year—I mean 1894.

1969. But would that be a fair average between the two makes in an ordinary year?—Yes, from 8*s.* to 10*s.* per cwt.

1970. What proportion of salt water is put into this warm brine that is used?—If you want to have the salt properly incorporated with the butter, supposing you use 5 per cent. of salt, you will naturally require to use 15 per cent. of brine.

1971. But the brine is made of the salt, is it not?—The brine is the water that dissolves the salt; it is after water has been added to the salt that it becomes brine.

Mr. *Kilbride.*

1972. I presume what you mean is that when you want to add 5 per cent. of salt it takes 15 per cent. of water to keep 5 per cent. of salt in solution?—Yes, that is what I mean.

Sir *Mark Stewart.*

1973. What other preservatives are used in creameries and factories besides boracic acid?—I do not know the real names of them, there are so many different descriptions of them; but they all really seem to be of the same character.

1974. Are they deleterious to food?—I would not like to say, really, whether they are or not. I think that is a question for an analyst.

Colonel *Bagot.*

1975. You told the honourable Chairman that an analyst, if he knows his business, ought to be able to detect whether the water in butter was water forced in for purposes of adulteration, or whether it was there naturally, owing to other circumstances.

Colonel *Bagot*—continued.

circumstances. Could you give us any authority for that, or quote from any analyst, or tell the Committee of any analyst who would support that view?—Mr. Gibson will be examined to-day, and he will be able to give you evidence to that effect.

1976. Is he an analyst?—He is not an analyst, but he will be able to tell you of an analyst, who can be produced here if necessary, who has stated that he can do so, and that it is an analyst's business to be able to do so.

1977. He could give us the name of the analyst?—Yes.

1978. Because Mr. Bannister, who is one of the leading analysts of the country, who has been examined before this Committee, said nothing in the least to point to that, but said that the adulteration by water was the chief source of adulteration that had been growing for several years past. Do you think that is so?—I do not agree with that at all.

Mr. *Colman.*

1979. Do we correctly understand that the hot brine that you have referred to is used by most makers of butter at certain times of the year?—No, I mean that anyone who uses this warm brine does it with the purpose of making a class of butter suitable for keeping purposes.

1980. You would not say that it is used then as an adulterant at all?—No, I would not.

1981. But, generally speaking, during certain times of the year would you say it is in common use?—I would in several parts of the South of Ireland.

1982. You consider that the Irish butter is now very decidedly better than it was a few years ago?—Yes, I do.

1983. Does it go on improving still, or do you think that you have got to the top?—For the last two or three years the improvement has been so marked that I do not think they can make any very great improvement. I am talking now of butter generally in Ireland. Of course, there has been the adoption of creameries in Ireland which has improved the quality very considerably, and has made it an article that will compete with the best Danish butter at all times in the year in which creamery butter is produced, and then there is factory butter.

1984. In other words, you consider that Irish butter now holds its own in competition with general butter?—Yes, I do.

Mr. *Newdigate.*

1985. You think it would be absolutely useless and unfair, as I understand, to fix any standard of the amount of water that there should be in butter?—I do.

1986. Do you think that the honest makers must have a lot of water in butter, and yet do their best to make it honestly?—Yes.

Mr. *Kilbride.*

1987. You said that your society took 350 samples, varying from 8 to 30 per cent. of water?—Yes.

Mr. *Kilbride*—continued.

1988. Have you got a table that shows that?—Yes.

1989. Will you hand it in?—Yes (*handing in the same*).

Chairman.

1990. Probably you had better read it over, and then it will go on the notes, and not be printed as a separate paper?—The following are the analyses of 345 samples of dairy-made butter bought during the seasons of 1893 and 1894 in the principal markets of the counties of Limerick, Tipperary, Kerry, and Clare, in the regular course of business, by members of the South of Ireland Butter Merchants' Association, and forwarded weekly by the honorary secretary to Professor Tichborne, in Dublin, for analysis. The object of the association was to obtain information respecting the percentage of moisture there may be in ordinary commercial Irish butter made in different temperatures and under varying conditions of manufacture:—

FOR THE SEASON 1893.

From	8·00	to	8·99%	moisture	1	samples or	0·5% of total.
"	9·00	"	9·99	"	2	"	1·0 "
"	10·00	"	10·99	"	—	"	0·0 "
"	11·00	"	11·99	"	9	"	4·6 "
"	12·00	"	12·99	"	6	"	3·1 "
"	13·00	"	13·99	"	8	"	4·1 "
"	14·00	"	14·99	"	13	"	6·7 "
"	15·00	"	15·99	"	23	"	11·8 "
"	16·00	"	16·99	"	19	"	9·7 "
"	17·00	"	17·99	"	15	"	7·7 "
"	18·00	"	18·99	"	19	"	9·7 "
"	19·00	"	19·99	"	24	"	12·2 "
"	20·00	"	20·99	"	21	"	10·1 "
"	21·00	"	21·99	"	10	"	5·0 "
"	22·00	"	22·99	"	5	"	2·5 "
"	23·00	"	23·99	"	4	"	2·1 "
"	24·00	"	24·99	"	4	"	2·1 "
"	25·00	"	25·99	"	4	"	2·1 "
"	26·00	"	26·99	"	3	"	1·5 "
"	27·00	"	27·99	"	2	"	1·0 "
"	28·00	"	28·99	"	1	"	0·5 "
"	29·00	"	29·99	"	2	"	1·0 "
"	30·00	"	30·99	"	2	"	1·0 "
					197		100·0

FOR THE SEASON 1894.

From	8·00	to	8·99%	moisture	1	samples or	0·7% of total.
"	9·00	"	9·99	"	1	"	0·7 "
"	10·00	"	10·99	"	1	"	0·7 "
"	11·00	"	11·99	"	6	"	4·0 "
"	12·00	"	12·99	"	5	"	3·5 "
"	13·00	"	13·99	"	12	"	8·1 "
"	14·00	"	14·99	"	9	"	6·1 "
"	15·00	"	15·99	"	21	"	14·2 "
"	16·00	"	16·99	"	17	"	11·5 "
"	17·00	"	17·99	"	14	"	9·4 "
"	18·00	"	18·99	"	22	"	14·9 "
"	19·00	"	19·99	"	15	"	10·1 "
"	20·00	"	20·99	"	11	"	7·4 "
"	21·00	"	21·99	"	10	"	6·7 "
"	22·00	"	22·99				
"	23·00	"	23·99	"	3	"	2·0 "
"	24·00	"	24·99				
"	25·00	"	25·99				
"	26·00	"	26·99				
"	27·00	"	27·99				
"	28·00	"	28·99				
"	29·00	"	29·99				
"	30·00	"	30·99				
					148		100·0

It will be noted that 27 samples, or nearly 14 per cent. of the total number analysed in 1893, contained moisture varying from 22·00 per cent. to 30·99 per cent., whereas none of the samples made in 1894 contained over 23·99 per cent., and only

Chairman—continued.

only three contained over 21·99 per cent. of moisture.

1991. Which was due, I think, to the difference in the seasons?—Yes, that difference is attributed to the intense heat which prevailed in July, August, and up to about the middle of September of 1893. It will be remembered that those months were the hottest experienced for several years, the temperature in August reaching as high as 85 degrees in the shade.

1992. It was cooler in 1894, I think, than in 1893?—Yes; the summer of 1894 was cool and wet, and butter producers were able to work their butter more satisfactorily and thereby to materially reduce the moisture in it.

Mr. *Kilbride.*

1993. You stated that you and your colleagues visited during the last summer several dairies?—Yes.

1994. And saw the butter made there?—Yes.

1995. And you visited those dairies, I understand, at different dates?—Yes.

1996. Did you visit the same dairy several time at different dates?—No, that is not exactly what we did. We took samples in the ordinary transaction of our business at different dates, and visited the dairy only on one occasion.

1997. Have you a Table showing the results at different dates of the quantity of moisture contained in the butter?—Mr. Hickey has that; he took those particulars.

1998. And Mr. Hickey will be examined presently?—Yes.

1999. I think you stated that in your opinion the margarine sold to such a large extent in England does not materially affect the butter produce in Ireland?—No, I did not say that. The question I was asked was: Did I think that the sale of margarine had affected the quality of Irish butter; that the Irishman took that into consideration in the manufacture of his butter, and that the improvement in Irish butter was consequent on the competition of margarine. I do not believe that that is so; but I believe that the unlawful sale of margarine has a very great deal to say to the price of butter.

2000. Do you not think that margarine tends to lower the price of butter?—I am certain it does.

2001. The price of Irish butter being lowered, does that make the farmer try to produce a better article?—Yes, it has knocked the lower qualities of butter out of the market altogether.

2002. You were asked whether land affected the quantity of water in butter; is it not the fact that the butter that is produced on the rich lands of Limerick will be in quality and in colour and in taste entirely different from the butter that will be produced, say, in Carlow or Kilkenny?—Yes.

2003. Different in what respects, should you say?—Different in grain, in appearance and quality.

2004. That is to say, the feeding of the cows and the change in the richness of pasture will produce a different quality of butter?—Certainly.

2005. Your society buys Danish, French, and Irish butters, does it not?—Yes.

Mr. *Kilbride*—continued.

2006. Can you give the Committee the extent of your society's turn-over in butter?—About two and a-half millions.

Sir *Mark Stewart.*

2007. Sterling?—Yes.

Mr. *Kilbride.*

2008. I think you told us that Irish butter was of considerably better quality now than it was five years ago?—That is the opinion of every one in the trade.

2009. Could the Irish salt butter be sold as Danish?—Not by any possibility.

2010. If Irish butter be sold at a less price than Danish or English, do you think that the public is prejudiced if the Irish butter contains five per cent. more water?—I do not think so at all. I think Irish butter is a distinct article of commerce on the market, and is asked for particularly by certain customers in certain districts.

2011. When you buy butter you buy it by weight, do you not?—Yes.

2012. And pay for it by weight?—Yes.

2013. Then it is to your disadvantage if that butter, before it reaches the consumer, loses weight?—Certainly.

2014. Butter is more likely to lose weight that has an excess of water in it; there will be evaporation, will there not?—Yes.

2015. Consequently there is a likelihood of a greater loss of weight to you?—Yes, certainly.

2016. Therefore it would be to your interest, would it not, to buy butter in Ireland that contained the smallest percentage of water?—That has been our object all along, to try to get it down to the lowest percentage consistent with the requirements of the trade.

2017. If you could get butter with from 10 to 15 per cent. of water, you would prefer it naturally to butter with from 15 to 20 per cent.?—Naturally.

2018. Is this salt butter in large demand in England, especially in Lancashire?—Yes. I do not know of any substitute on the market that would supply the place of this Irish butter.

2019. If this Irish butter were driven off the market by establishing a 16 per cent. maximum of moisture, would that cause your customers inconvenience?—Yes, very great inconvenience.

2020. And deprive them of an article that they desire to have?—Yes, and that the people they supply desire to have.

2021. When you are buying butter, what are you guided by?—By the flavour, by the texture, and by the smell altogether; those are the three things that guide us in the purchase of butter.

2022. Has colour anything to say to it?—It may have a little to say to it.

2023. Then it would come to this, would it not: that the man who makes the best butter gets the best price?—Yes, always I may say.

2024. And the man who makes a poor quality of butter with excess of water gets such a bad price that he finds, practically, that he himself is the sufferer?—He is the sufferer more than anybody else, I think.

2025. As representing the wholesale co-operative

Mr. *Kilbride*—continued.

tive society you only supply your own members?—That is all.

2026. And it is not the slightest advantage to you, I presume, or to your society to ship butter to your members containing an excess of water?—On the contrary, if the different societies that we supply find that I send them butter containing an excess of water, and if they get prosecuted, as, unfortunately, one or two societies that I did supply during 1893 were, that tends, of course, very much to lower the reputation of Irish butter and to injure both me as the buyer of it and the person who sells it. So that it would be in our interest to do everything we possibly could to have that butter brought down to the lowest percentage of water that it would be possible to have in it.

2027. Could you tell the Committee the number of societies that you supply?—1,085 different societies, and those 1,085 different societies represent a membership of close on 1,000,000.

2028. A membership of 906,986?—Yes, those are the exact figures.

2029. You are against an arbitrary standard being established by law of moisture in butter?—I am.

2030. Supposing that a standard were to be established by law, what standard would you be in favour of for Irish salt butter?—A great deal would depend upon the circumstances under which the butter was made, the time of the year, and several other things. If everything was as it should be, in a normal state, and if the farmer had water to reduce his cream to a proper temperature, if he had proper appliances, and if he had everything necessary for the proper production of butter, then I would say from 18 to 20 per cent. would be a reasonable standard.

2031. Then you think the honest producer would not be unfairly interfered with under normal circumstances if a standard of from 18 to 20 per cent. was set up?—That is my opinion.

2032. But under abnormal circumstances, such as you experienced in the summer of 1893, of course, without ice, what should you say?—Of course, it is impossible for anyone to fix an approximate standard of what moisture must be in butter at that time.

2033. I think we had evidence here of the case of Captain Sandes, who made butter in his own dairy, where he had the milk of 800 cows, I think. Have you anything to say with regard to that case?—It was Mr. Gibson who dealt with that, and he will be before you, and will be able to explain fully the whole circumstances of that case.

2034. Was a resolution passed by your association against colouring margarine?—Yes.

2035. Would you tell the Committee why they came to that resolution?—Because they believed that everything was done that could possibly be done to imitate butter, and that by the non-colouring of margarine that it would be done away with to a large extent.

Mr. *Kilbride*—continued.

2036. Are you opposed to mixtures?—I am.

2037. What is your objection to them?—That by using a certain percentage of mixture they can make a nearer approach to butter than is possible under any other circumstances.

2038. May I take it that your objection to colouring margarine, and your objection to mixture, is that both of them lead to fraud?—That is our contention altogether.

2039. And of course all those frauds are to the detriment of the honest butter producer?—They are.

2040. And tend to lower the price of his butter?—Undoubtedly.

Mr. *Kennedy.*

2041. Are you a magistrate?—I am.

2042. Would you, as a magistrate, and therefore a person sworn to administer justice, fine a man for having water in butter; from your own knowledge of this question would you fine a man for having water in butter up to 20 per cent.?—Not unless it was conclusively proved to me that that water had been added with intent to defraud.

2043. And if you found over 20 per cent., say, 24 or 25 per cent. of water, would you be disposed to punish him?—It would greatly depend upon the time of year, and the circumstances under which the butter was made; because I have known honestly-made butter to contain at certain times of the year 24 or 25 per cent. of moisture.

2044. Through no fault of the man who made it?—Yes; that is why I say that an arbitrary standard is, I think, absolutely impracticable.

2045. Do you send much, or any, Irish butter to the West Riding of Yorkshire?—Little or none, comparatively nothing.

Mr. *Newdigate.*

2046. I understood you to say that you did not think that any standard could be fixed for the amount of water in butter?—Yes.

2047. Then I thought you rather contradicted yourself, if you will excuse my saying so, when you said that under normal circumstances you would recommend 18 or 20 per cent.?—I was asked in a peculiar way, "Supposing a standard had to be fixed, what would I say was a fair standard under normal circumstances." I would be totally opposed to the fixing of any standard; but when I was asked the question, supposing that a standard had to be fixed, what would I say was a fair standard under normal circumstances, then I said that in such a case, supposing that everything was favourable for the manufacture of butter, I would think that 18 per cent. of moisture would be a reasonable standard.

Mr. Robert Gibson, called in; and Examined.

Chairman.

2048. Will you describe your position?—I am Salesmaster of the Limerick Public Creamery market; but I attend here as one of the representatives of the South of Ireland Butter Merchants' Association, and I have been the representative of one of the very large firms that deal in butter in the north of England, for the last 20 years, Messrs. Pearson and Rutter, of Manchester and Liverpool.

2049. And have you been at work in the Irish butter trade for a large number of years?—Since I was a child, I may say.

2050. And during the whole of that time you have had a practical acquaintance with butter and butter-making?—Yes.

2051. You have, have you not, decided opinions as to the fixing any percentage of moisture that should be allowed in butter?—I have a very decided opinion with regard to that.

2052. Will you tell us what that opinion is?—I am of opinion that it will be absolutely impossible to fix any standard whatever of moisture in butter that would not interfere with an honest man honestly doing his best under certain circumstances.

2053. And that is your experience from having been working in butter since your youth?—Yes, and I can give you an example of that which occurred in our own factory last November, if you like.

2054. If you please?—We are very careful to ripen the cream to exactly the right ripeness before we churn it. One Saturday evening we had an 18-gallon can of cream in, which we could not get ripe in the proper time, and it was barely ripe at six o'clock. I said to the dairyman: "It cannot be left over Sunday; it must be churned to-night; get it into the churn." So he put it into the churn, and I went up to my tea. When I came back, he reported to me: "No butter yet, sir." I said, "You have been churning it for 35 minutes; what are you churning at?" He said, "45." I said, "Run her up to 65, and come into the office to me in five minutes if you have not got butter."

2055. Sixty-five revolutions a minute, you mean?—Yes. He came to me at the end of five minutes with the plug in his hand, and said, "It is exactly the same as when you went in." I went out and opened the churn, and she was fast asleep. I said, "You ought to have found this out before." However, we at once woke her up, and in five minutes we had as beautiful-looking a butter as ever you saw. The man was delighted, and he said, "It is the nicest churn I have ever seen." We began to lift it into the pickle, and he said, "I never saw such produce in my life." I said, "It is a great deal too much produce; it will warm you before you make it right." I sent him away to his tea, and he came back at nine o'clock, and we passed it through the machine, and we packed as beautiful-looking a lot of butter as I ever packed. I said: "It is entirely too much; it cannot be there." We kept it in a temperature of 45 degrees until Monday morning. On Monday morning I bored it, and any farmer in the world would have considered that he had a magnificent article to put on the market; but I said, "It is simply impossible," and I took it in and analysed it, and I found it had 32 per cent. of water. I put it through the machine again, after having had this long rest in the cold temperature, and out of what was 84 lbs., apparently of sound honest butter, I took 14 lbs. of water, and I then had 70 lbs. of butter with 16 per cent. of water in it. Now when that would happen to me with the best modern machinery, and with a thoroughly educated dairyman at work, what would it be with a farmer?

Chairman—continued.

2056. That is not an incident that happens often to you, is it?—For cream to go to sleep? Yes, very often. I have known cream in Cumberland to go to sleep after churning it for 22 hours, and they did not get any butter.

2057. But that has not happened very often to you in your experience at this creamery, has it?—No, that was a mere accident; the man ought to have found out that it was asleep. I would have found it out in ten minutes if I had been in the factory.

2058. Does that incident you have described to us, together with your general experience, make you feel that the fixing of a standard of the amount of moisture permissible in butter would be very inadvisable?—Absolutely. There was the case of Captain Sandes, which was mentioned by Mr. Stokes. He makes the solidest and best butter that comes into Limerick Market, year in and year out, and I have analysed it and found it ranging from 9 to 14 per cent. of moisture. In September 1893 he sent me up a parcel of butter, and I wrote him: "I cannot sell it at any price; if the inspector came on it you would be prosecuted." So he wrote me back: "For goodness sake, do what you can with it; we know it is half water; but we have no spring water; the dairymaid has broken her heart over it, and she can do no more with it." I passed it through my machine with iced water, and I could not get the water out of it. I then went up to Mr. Shaw's, got 16 or 18 packages of it, and put it into his ice house; I left it there for three days, when I brought it out, and then it was as solid as a stone almost. I put it through the machine again, and took 27 per cent. of water out of it, leaving 15 or 16 per cent. in it. Now, Captain Sandes would have been dubbed a robber for having 41 or 42 per cent. of water in that butter if the inspector had come across it; and he is the most careful, honest butter maker in the county.

2059. What was that state of things due to; can you tell us?—The spring ran dry, and the spring that he had to draw water from was about half a mile away. When he drew water out of the spring, it came out at 52 degrees, but when

Chairman—continued.

when it was brought into the dairy it was 65 degrees.

2060. It was a very hot season, was it?—Yes, it was a very hot season; the temperature was from 80 to 85 degrees most of the day. When he plunged his cream cans into it, in five minutes the water was at 70 degrees, and you might just as well have had no water. He churned it, and, instead of getting it out in grains, it came out in a mass of oil at the top, full of the natural water in the cream. I may tell you that I have known cream analysed and give from 50 up to 75 per cent. of water; good thick, solid cream.

2061. And these experiences you have related to us are sufficient, you think, to justify your opinion against the fixing of any standard of moisture in Irish salt butter?—Most certainly. I can tell you of another instance where I saw the same thing with an ordinary farmer in 1893. For 25 years I had known the man to be one of the best ordinary butter makers in the County of Limerick; I never saw a dishonest bit of butter with him. I happened to have an order for some specially good butter, and I went and bored his butter first of all; and when I bored it, I said, "What are you doing; it is full of water." He said, "Nonsense; you never saw me with water in my butter." I ran away, for it was no use my buying it.

2062. Were you able to say that from the appearance of the grain of the butter?—Yes. Mr. Stokes and Mr. Hickey both saw that butter, and they both said that the inspector ought to be called in upon him. I said, "No; that man never made a dishonest pound of butter; it is an accident; it is not put-in water." I said, "I will buy it from him and take the water out; I will not have the man prosecuted." So I bought it from him, and out of each 70 lbs. of butter I took 14 lbs of water. I bought from him 1¼ cwts. of butter, and when I passed it through the machine, I had exactly 1 cwt. of butter.

2063. Then, in your opinion, it was a perfectly honestly made sample of butter?—Perfectly honestly made; the man had had some accident in the churning. You cannot add water to butter by any possibility, unless you have it over 80 degrees. If you wash butter in water at 70 degrees or anything under that, from every washing you give it, if you analyse it afterwards, you will have less water in the butter than before it was washed.

2064. But by washing butter in water over 80 degrees you add water to it, do you?—Yes; by putting anything like hot water into it you add the pickle to it.

2065. Is not the use of hot brine, with regard to salt butter, the means by which people sometimes add water to butter?—Unquestionably.

2066. Fraudulently?—Yes. To increase the weight and the bulk; they put it in purposely; and those people I would go any distance to prosecute.

2067. Do you think that if you did fix a standard of moisture in butter it would tend to lower the quality of the butter?—Decidedly.

2068. Will you say why?—Because if you are allowed to make butter with 20 per cent. of moisture in it, I will try to have 20 per cent. of moisture in my butter to sell alongside of you.

2069. You think, in fact, that if we were to fix a standard of 16 or 20 per cent. of water as the legitimate standard of moisture in butter the tendency would be to make all the best butters down to that standard?—Exactly; to level down, not to level up. That is my great objection to it.

2070. And, consequently, to generally deteriorate the quality?—Yes.

2071. Do you think that analysts, if they are sufficiently skilful, can detect added water as compared with other water that occurs in the process of manufacture?—Of course they can; but they must have had some experience of butter-making to do so.

2072. Can you give us any example bearing upon that point of fraudulently added water?—I, myself, as soon as I take a sample on my fingers, know whether the water has been added to it or not in 99 cases out of 100; and if I am doubtful in the 100th case I would simply set to work and analyse a sample, watching it carefully to see how it behaved.

2073. Will you describe to us how it behaves?—It behaves in two utterly different ways. If you have natural water in butter the globules of the fat are large, and the globules of the water are large, and when you put it on the pan to evaporate you see jets of steam coming up, and great big bubbles rising, and any person who did not know about it, would think it was a terribly wet sample, when it might turn out to be only 14 per cent. of moisture; I have often seen it. If you get a sample of butter when water has been forced into it by hot pickle, the globules of the water and of the butter have been worked together, so that the globules of both are broken up and made small. When you put it in the pan, and when the heat comes, instead of rising up in steam, you see no steam; and if you are watching it carefully, you see it begin to froth and become like a cauliflower on the head, and the jets of the steam are so minute that even with a strong reading glass you could not detect the steam going off it; and with that butter you will have, it may be, 30 or 35 or 40 per cent. of water.

2074. Then, as I understand it, it is entirely from the physical appearances of the sample under treatment that you decide whether the water is added water or whether it is the natural water?—Yes.

2075. Purely on the physical appearances?—Yes.

2076. And that, you say, requires a very considerable amount of experience in order to obtain the accuracy of observation necessary to detect those physical appearances?—Yes.

2077. An ordinary chemical analyst, without that particular experience with reference to butter, would not be able to detect it?—Certainly not. I may say that the analysts whom I have met in England are absolutely ignorant on the question of butter and butter manufacture.

2078. You do not believe, then, in any scientific method, beyond the physical one which you have described?—Yes, I do. The brine that would be added has no milk sugar, and it has no albu-

Chairman—continued.

minoid in it, whereas the natural water that would be left, through ignorance or carelessness or bad appliances for churning, would have both milk sugar and albuminoid.

2079. Then to put it in ordinary language, and not in scientific language, the natural water of milk contains constituents, which added water never contains?—That is so, unless you add them to the water.

2080. You mean that they might make the water artificially, and so add them?—Yes; but then you could tell that by those physical appearances which I have already described. I may say on that point that I submitted that evidence to Mr. Walter Thorpe, who is an analyst of first-rate standing, and at the same time he is a dairy expert, and he said, of course, that any man who had made butter under varying circumstances and seen it made and manipulated it could easily tell ("easily" was his word) whether the water was added or whether it was not.

2081. And consequently from your own personal experience, and from conferring with other observers and experimentalists in this matter, you have come to the conclusion that an analyst's certificate ought to state whether the water is fraudulently added or not?—Yes; and in examining a sample of butter he should see what amount of salt was in it, in order to tell whether it was salt butter intended for keeping, or mild butter. If you had a mild cured butter with added water, say only 18 per cent., under ordinary circumstances I would consider that a fraud of at least 4 per cent.; but if you had a heavily salted butter made for keeping, with 24 per cent. of water in it, it would not be adulterated, because it was not added for the purpose of increasing the weight or bulk, but for the purpose of making the butter keep.

2082. In fact, you think that before a conviction under those circumstances could be obtained if there was over 14 per cent. of water in ordinary mild fresh butter, the analyst's certificate ought to state whether that over 14 per cent. of water was added fraudulently or not?—Yes.

2083. And in the case of salt butter he would have to say whether that excess of 24 per cent. of water was added fraudulently or not?—I would be sorry to fix a standard for heavily-salted butter, because if a man makes it to keep for one month it ought not to have more than 20 per cent. in it; but if I was making it to keep eight or nine months, I would put in 25 or 26 per cent. I would make the moisture come up to 25 or 26 per cent.

2084. Therefore, the amount of water would depend upon the treatment for keeping?—Yes; if I wanted to send butter, for instance, to Bombay, I would put nearly twice as much water in it as if I wanted to keep it here.

2085. And it is quite possible, in fact, to have a sample of butter in which, out of 16 per cent. of water in it, 7 per cent. has been fraudulently added?—Yes, put in fraudulently for the purpose of increasing the weight and bulk.

2086. And, at the same time, you might have another sample with 30 or 40 per cent. of water in it, and none of it fraudulently added?—Yes, that there was never a drop of water put near it.

Chairman—continued.

2087. Although the man had done all he could to make it good?—Yes; under such circumstances as I have described. Captain Sandes went to the expense of getting ice all the way from Cork to try and cool the water; but when it came he had almost no ice, and it was not able to cool the water for him at all. Another instance occurred to me in the year 1892. A creamery sent me up a box of butter with a letter saying, "For goodness sake do what you can with this; we are beaten." I went out as soon as it arrived and bored it, and said to the fellow in charge, "It is half water; take half the water out and come to me in half-an-hour." At the end of half-an-hour he came to me, and said, "I can do nothing with it; it is exactly the same as it was." So I had to take off my coat and go to work at it, and out of the 56 lbs. of butter I reduced it to 31. I took the difference of water out of it. They had had an accident in the churning, and they did not know in the least how to get over it.

2088. All these cases which you have described to us are cases, you say, of accidents in the churning?—Yes, without the slightest attempt at fraud, and the people not knowing it, except in the one case, and not being able to do anything to remove it.

2089. But in all these cases they would know that the bulk of their butter was in excess of what it ought to be, would they not?—I should know (I do not know whether they would) what I ought to get out of the cream by the appearance of it. One cream will yield nearly 6 lbs. of butter to the gallon, while another will not yield more than three. I have often had a variation from over 5 lbs. down to under 3 lbs.

2090. But those people in producing butter which contained a very large proportion of water, as you have described, would know, in all the cases to which you have referred, that some accident had occurred in the churning, would they not?—Yes, except in the one case of the farmer; he did not know it, and swore positively that it could not be, and I have known that man for 25 years to be as honest a man as ever made a firkin of butter.

2091. In order to keep butter for any time do you think it is necessary to add 10 per cent. of brine?—I am quite sure of it, to keep it for any time.

2092. What should be the strength of that brine?—If a person tells me to salt to 5 per cent. I shall have to put in 15 per cent. of water to make that salt dissolve, and stay in solution in the butter.

2093. That will give you butter containing 5 per cent. of salt which is received from the 15 per cent. of brine that you have added to it?—Yes, that is it; that will give me a butter most likely containing about 25 or 26 per cent. of water, because there was the natural water already in it. If a man tells me to salt, as I am told sometimes, to 7 per cent., I must put 21 per cent. of water to dissolve that 7 per cent. of salt; so that I should have there 28 per cent. with the natural water.

2094. You might have as much as 28 per cent.?—Yes, I might have over 28 per cent. if I was told

Chairman—continued.

told to salt with seven per cent. of salt for keeping.

2095. So that the longer the butter has to be kept the larger the amount of water that it contains?—The larger the amount of brine that you would have to put into it to make it hold; but that brine will be going away a little every month that you keep it, you know.

2096. So that at the end of six months what will be the state of the case?—There might be three or four per cent. gone.

2097. And it would have lost that much in weight?—Yes.

2098. This butter is stored, is it not, for six or eight months?—Yes, and I have often known Irish butter stored for longer than that.

2099. And for longer periods it requires the addition of a larger amount of brine?—Yes; I may tell you that I tin a great deal of butter,—the sea captains are very fond of it; and I have them come back after a two years' voyage, and they tell me that it is as good at the end of the two years as the first tin that they opened.

2100. But then that is hermetically sealed, is it not?—Yes, but it is also well brined to make it keep, and to make it pleasant to them when they open it.

Sir *Mark Stewart.*

2101. I should like to ask you a question with regard to the instance you illustrated where you took 25 lbs. of moisture out of 56 lbs. weight of butter. How do you account for that in the churning?—I could not account for it at all. I do not know what on earth it was that did it. I never saw a case like it before or since.

2102. Still, I think you attributed it to some accident in the churning?—Yes, I attributed it to some accident in the churning, but I do not know what it was. I will tell you one thing that might have done it: they may have washed their churn very carefully with soda, and then not quite have cleaned the soda out of it; and, if it had got an atom of soda in it, that would make the butter come fearfully frothy.

2103. When cream goes to sleep, to what do you attribute it; to the atmosphere?—Cream goes to sleep under many circumstances, but I chiefly attribute it to the cold atmosphere around the churn. We always take the temperature of the churn before the cream goes into it, and we take the temperature of the cream before it is put into the churn, so that we may have it right.

2104. What is the proper temperature?—The temperature in winter should be 62 degrees, and with the churn itself it is 65 degrees; but if it is a hard frost at night, the churn outside will very quickly get colder, and if you are churning, as I like to churn, very slowly, because I believe that I get better butter if I churn slowly, before the cream had got properly agitated it may go to sleep.

2105. Do you use hot water cases for your churns in order to keep up the temperature?—No; I will tell you the way I waked up the churn on that occasion. I got a quart of new milk and heated it to 100 degrees, and threw it into the 18 gallons of cream, shut the door, got half-a-dozen buckets of boiling water from the boiler, and threw it over the churn outside, and then had the butter in a few minutes.

Sir *Mark Stewart*—continued.

2106. Do you think it is a good plan to have hot-water cases?—Yes; but it would make the churning very expensive to the poor farmer.

2107. But many churns are made on that principle now, are they not?—Yes, and they ought all to be; but it would be cold water in the summer, and hot water in the winter in the cases.

2108. If it is so difficult to distinguish moisture in butter, except by a person of large experience, how are the public to be protected if you do not make any standard of moisture in butter?—I do not believe that the public are prejudiced at all; because if you went into a shop to buy butter, and saw when you looked at it and tasted it that it had a lot of moisture in it, you would not buy it; and, as a matter of fact, all that strongly-pickled butter is sold very cheap.

2109. Is it sold much cheaper than other butter?—Yes, I should say that on an average it is sold from 2*d.* to 3*d.* a lb. cheaper than the fine mild butter that is made.

2110. But could the public distinguish between them?—They do.

2111. But, if they cannot distinguish between them, are they not likely to pay a full price for this butter, although it may contain 10 or 12 per cent. more moisture than it ought to contain?—My experience is that the public are very good judges, especially about moisture; not that they know the percentage, but they know what pleases themselves, and they will not take it; they will brink it back to the grocer, if they do not like it, very quickly.

2112. How do you account for the 58 to 70 per cent. of which you knew an instance in solid cream, which looked to be very good cream?—I have known of 75 per cent.

2113. How do you account for it?—Well, you know that the analysts have stated publicly, at the trials where I was examined, that butter fat is butter fat wherever it is produced. That is an absolute untruth. Butter fat is oleine and stearine wherever it is produced; and on one farm where the grass is very succulent and rich, and there is a lot of moisture under the soil, you will have 60 or 65 per cent. of oleline, and you will have 40 or 35 per cent. of stearine. That butter, or that cream at least (because it is the cream we are dealing with now), will contain a great deal more moisture than the cream that is made upon poor or dry land that contains 60 per cent. of stearine and 40 per cent. of oleine.

2114. And would it be as wholesome; it would not be so nutritious, of course, but would it be quite wholesome to the public?—Yes. Some people will take what we call mountainy butter, that is butter with a large percentage of stearine in it, in preference to a butter made on the rich lands with a large percentage of oleine. And the mountainy butter will keep very much better than the low-land butter.

2115. But the intrinsic value of it is very much less, is it not?—Yes, it is always less.

2116. Then the public will be paying, in your opinion, possibly an equally high price for this butter of less value as for better butter?—No, they will not generally. A great many of the

Sir *Mark Stewart*—continued.

public like it, but they nearly always reject it on account of the want of aroma. The aroma of butter, as you know, is due to a very subtle volatile oil in the fat. You will have off the rich pastures cream or butter-fat with a lot of this volatile oil in it, or aroma, and the public pay for it and pay very well for it.

2117. And you think that the public can generally discern this butter with a better flavour?—I am sure of it.

2118. And with a better texture?—No, the texture is better in the article that I speak of as the mountainy poor butter.

2119. Then they go most on the flavour and the smell?—Yes, the delicate flavour and the delicate smell.

2120. And in that way they can detect a good article without having any recourse to what standard of moisture it contains, in your opinion?—Certainly.

Mr. *Colman.*

2121. You said that if you were sending butter, I think, to Bombay, it would have to contain a larger quantity of water, did you not?—No, a larger percentage of brine.

2122. It would contain a larger quantity of brine if you were sending it to Bombay than if you were sending it here?—Yes, to London.

2123. Would that mean that there would be a larger quantity of water in it?—Yes, an analyst would call it water, but it is really brine.

2124. Do you think that this brine is added for the purpose of fraud or is it simply for the purpose of enabling the butter to be kept?—I know perfectly well that in some cases it is added for the deliberate purpose of fraud. I know that in some cases they churn out their butter and have it with 9 or 10 per cent. of moisture only, and they see that it is what they consider too hard a butter, and deliberately, for the purpose of increasing the weight and bulk, some dishonest people add pickle to it, or they add hot water to it if they are making a mild butter. It is done deliberately in some cases.

2125. Is there any mode of detecting whether that is done for the purposes of fraud or only for the purpose of keeping the butter?—Yes; because in the case of its being done for fraud it will not be pickle or strong brine. Supposing it is a mild butter made in January, and I find (as I have found) 29 per cent. of water in it, I know that that is a deliberative treatment of the article from its appearance on the fingers. If I got the same article made in the month of July or August, or September, or even in October, I would say, if it was a heavily-salted butter, that it was honestly added for the purpose of making it keep, that the man intended to store his butter, or intended it for a buyer who wanted to store it.

2126. Do you know anything about the butter that is coming over from Australia and New Zealand?—Yes.

2127. Is there any brine used in the manufacture of that butter?—I do not think there is. But it is not like Irish butter; it is stored in cold stores in New Zealand and Australia, and it is brought over in refrigerating chambers in the ship and put out here into cold storage unless it is going almost ex-quay.

Mr. *Colman*—continued.

2128. Then that cold storage, I suppose, takes the place of the home brine?—Yes, it preserves it to a certain extent. But only yesterday I was looking at some Australian and New Zealand butters that were just coming to London in the ship, and I should consider them vastly improved, and so would nine-tenths of the people who bought it, had it got more brine in it; it was gone rancid and tallowish from want of brine.

Mr. *Kilbride.*

2129. Was there any brine in it?—I do not think there was any put in it; it was naturally washed in it, of course.

2130. You stated, did you not, that hot brine is sometimes used deliberately for the purpose of fraud?—Yes; certainly.

2131. But if butter is to keep for from four to six months, as a good deal of your Limerick salt butter is made to keep, is it not absolutely essential that hot brine should be used to make it keep?—Yes, I believe so; or to keep it even for one month; that is my belief.

2132. What increased percentage of water do you think it would be fair to allow between what you would allow for freshly-made butter and in butter that is made to keep for from four to six months with, say, good brine?—I should say 10 per cent. at the least.

2133. Ten per cent. of water?—10 per cent. of brine.

2134. I am asking you what increased percentage of water you would allow?—I would not add any water.

2135. Is it your evidence that butter saved with brine ought to contain no more water than fresh butter?—My evidence is that it ought to contain at least 10 per cent. more moisture, but that moisture would not be what we call water; it would be what I call brine.

2136. What would the analysts call it?—They would call it water; very improperly, to my mind.

2137. But the analysts do call it water, do they not, as a matter of fact?—Yes, because they do not know their business. An analyst at Skipton told us, on his oath, that it was easier to take the moisture out of butter at a high temperature than at a low temperature; that was one of the ex-presidents of the Society of Analysts, one of the most celebrated analysts that you have in England. Whereas every man who has ever touched a pound of butter to make it knows that it is very much easier to take the moisture out at a low temperature than at a high one. And this ex-president swore that it was easier to take the water out at a high temperature. And another very celebrated analyst at the Manchester trials told us that it was quite possible to make butter without any water at all, now.

2138. I think you said that if a 20 per cent. standard for water in butter was established honest butter makers at present who produce butter with a less standard will add water to their butter in order to come up to that standard?—Yes, I am sure they would; they would be great fools if they did not. If they let me

sell

Mr. *Kilbride*—continued.

sell butter with 20 per cent. of moisture, and make an extra 4 per cent. out of it more than they did, they would be very great fools.

2139. Does not the quantity of water affect the quality of the butter; would not a butter containing 20 per cent. of water be of a less money value per cwt. than a butter with from 10 to 15 per cent. of water in it?—It ought to be, it is not always.

2140. But, as an expert in the butter trade, would you give as much for butter containing 20 per cent. of moisture as you would for butter containing from 10 to 15 per cent. of moisture?—I have often seen it done, and that is the tendency of fixing a standard, that people will buy it at the same price; it is there at the 20 per cent., and it is a legal thing, and they will buy it at the same price if they are in a hurry.

2141. But does not an excessive quantity of water affect the taste of the butter?—It ought to.

2142. But does not it as a matter of fact?—It does not affect the price very often.

2143. But does it affect the taste?—Of course.

2144. When you buy butter, what guides you as to the price and quality; is it not the taste?—The flavour, the smell, the taste, and the texture.

2145. Does not an excessive quantity of water affect the taste considerably; is not butter deteriorated in taste with an excess of water?—It would be, to my mind; but I very often see it bought the other way.

2146. Consequently, if he would get a less price for butter containing 20 per cent. of water, why would it be an advantage to any man to add 4 or 5 per cent. of water so as to bring it up to 20 per cent.?—In hundreds of cases he would get exactly the same price for it.

2147. I think you said that if you wanted to send butter to Bombay you would consider it necessary to add 7 per cent. of salt?—I said that if I were ordered to put 7 per cent. of salt into butter, as I am constantly ordered to do, I should have to put 21 per cent. of water to it to keep that salt properly in solution in the butter.

2148. That butter would be made to keep for how long?—I told you that some butter which I have made in that sort of way has kept for two years.

2149. Unless butter were put in packages hermetically sealed, if it was put in ordinary casks, what loss of weight would there be either from leakage or evaporation at the end of six months?—Nobody could tell you that. I have known a single cwt. cask made by one of the first butter makers in county Limerick, made with all the modern machinery by a man who makes splendid butter, during the course of the season to lose 3 lbs. weight in 24 hours, because it was made in hot weather, and there was an excess of moisture in it; 3 lbs. went away out of 112 lbs. in 24 hours.

2150. But in the case of butter made under normal circumstances, what amount of evaporation would there be?—I could not tell you that.

2151. What loss of weight would there be at the end of six months?—I could not tell you; as a mere guess, I would say 3 lbs. to a cwt., but I cannot tell you really.

Mr. *Newdigate.*

2152. Do you say that the general public like butter containing a good deal of water just as much as they do butter which does not contain so much water?—In certain parts of the country they will not take butter that is too dry. In London, for instance, the general public like butter that would not be looked at in other parts of the country, simply because it has been so much handled as to take all the moisture out of it. A butter that would fetch a good price here, for instance, would not be looked at in Stockport; in Oldham it would not be looked at; and in Liverpool it would not be looked at.

Mr. *Whiteley.*

2153. The only question that I want to ask you is this: I was interested to hear you say that you believed that the public are very good judges of butter?—Yes, I believe so.

2154. And that they can detect differences in the taste of butter that they buy?—I have known them to do so, and send it back to the grocer.

2155. Are you aware that that is in direct conflict with a good deal of evidence that we have had, to the effect that the public are very easily gulled with regard to butter?—I only express my own opinion.

2156. And your opinion is that they are judges of what they purchase when they go to buy butter?—I am very strongly of that opinion.

Mr. *Kennedy.*

2157. You spoke of Australian butter; you said that you had seen some Australian butter, I think?—Yes, I have seen a great deal of it.

2158. Do you consider that Australian butter would not keep after it is taken out of the ship, when it is taken out of the ice?—I know it will not. I know that it deteriorates very quickly.

2159. Is there any salt butter sold in England except what is Irish?—Danish butter is salt butter, but it is not heavily salted.

2160. Would Danish butter keep for any length of time?—Certainly not; a week makes a great deal of difference to it.

2161. Therefore you have no butter in England that would keep for four or five months except Irish salt butter?—Not that I know of.

2162. Therefore, the Irish salt butter is in an exceptional position, is it not, on the English market?—Certainly.

2163. Would it be possible, do you think, to make salt butter without brine?—Yes, undoubtedly, but it would not be nice.

2164. And it would not keep, would it?—No, and it would not be nice. If you make it with dry salt, when you cut it it will be tallowy and would give the public a turn; in three-quarters of an hour the crystals of salt would all be in a fur, and any of the public coming in would very quickly pass it by; they would object to it.

2165. What is it in the butter that makes it become rancid?—Analysts differ on that question.

2166. What is your opinion about that?—My opinion is that it is due to rather careless churning and taking too much caseine in.

2167. But what constituent in the butter itself causes

Mr. *Kennedy*—continued.

causes it to be rancid?—The caseine; it ought not to be in butter at all.

2168. You mean that the curd in the butter is what becomes rancid first?—Yes.

2169. What is the curd?—Milk is composed of water, fat solids, and solids not fatty, and those solids not fatty are the curd. Our object in churning cream at all is to get rid of the water and the solids not fat. If cream is allowed to stand too long you cannot skim it without taking a certain proportion of the milk with it, which contains the solids, and when you churn your butter and get it all right in your churn, if you are not very careful you will get a certain proportion of caseine that will stick. For instance, if you draw off the butter-milk instead of lifting the butter out of the churn, you will get more caseine than if you do lift it out, and butter that has more caseine goes rapidly rancid. If you could make butter perfectly free of caseine I do not believe it would go rancid at all.

2170. Is that because the curd contains animal matter?—I am not scientific enough to tell you.

2171. Presuming it is that it is because the curd contains animal matter, can you kill that animal matter without the brine?—I do not believe you can kill it really at all. I believe it shows through anything.

2172. But if you did not use brine you could not make the salt butter to keep six months on account of this curd, could you?—If you had much curd in it you could not make it to keep 12 hours without smelling badly.

2173. Therefore, you must have a higher percentage of water in salt butter than in mild, must you not?—Certainly.

2174. And if, as you say, that there is no other salt butter on the English markets except Irish salt butter, unless that higher percentage of water is allowed for Irish salt butter, you could

Mr. *Kennedy*—continued.

have no keeping butter on the English market at all, could you?—Not unless they made it in the way we do.

2175. That is to say, that unless under the Sale of Food and Drugs Act we are allowed to have a certain proportion of water more than is allowed now, we cannot put any salt butter on the market?—There is no allowance now; there is no law about it.

2176. I know there is no law about it, but are they not generally fined if they have more than 16 per cent.?—That is what the analysts say ought to be done.

2177. Is it your opinion that if they are to be fined for having more than 16 per cent., it would not be possible to keep on the English markets any butter that will keep for six months?—Not only that, but it will hunt at least 80 per cent. of the Irish salt butter entirely off the market. Those people would have to turn to making it perfectly mild, and you would have three-fourths of the butter made in Ireland thrown on the market in Summer, and you would not fetch 4*d.* a lb. for it.

2178. That is my point; that it would do away with the keeping of butter if you fix a standard?—Yes; I may say that in an answer which Professor Long gave here last year (I think it was at No. 2161) he stated that salt was added to cover rancidity. Salt will not cover rancidity; salt, when added to butter, brings out any incipient flavour that is in it. If you have a fine-flavoured butter and add a little salt to it, you help to bring it out; if you have a butter badly made, with a lot of caseine in it, as they do in the North of Ireland, and you salt it pretty thickly, you make that flavour come out stronger, and it is more offensive, to my mind, than if it is made mild.

Mr. Robert Hickey, called in; and Examined.

Chairman.

2179. In what capacity do you appear before the Committee?—I have been for 17 years connected with the butter trade; I am Honorary Secretary of the South of Ireland Butter Merchants' Association, Limerick; and I buy butter for the firm of P. Hickey and Co., Manchester.

2180. And your association was formed when?—Our association was formed in the year 1886 for the purpose of improving the manufacture of Irish butter.

2181. And afterwards for enforcing the provisions of the Sale of Food and Drugs Act?—Enforcing the provisions of the Sale of Food and Drugs Act. I may mention that in the Spring of 1893 a deputation from our association waited on the Chief Secretary at Dublin, requesting that members of the Royal Irish Constabulary should be appointed to administer the Sale of Food and Drugs Act, which up to that time had been almost a dead letter in Munster.

2182. You had found out, then, that the butter began to be seized on account of the quantity of water which it contained?—Yes. Up to that

Chairman—continued.

time, I may mention that as merchants and as buyers, we were utterly ignorant of what quantity of water butter did contain; we never had any analyses taken up to that time; but having heard and seen in the trade journals that the public analysts through the country had fixed the limit of 16 per cent., the object of our association in waiting on the Chief Secretary was to get the assistance of the Sale of Food and Drugs Act in getting our farmers to work up to that limit.

2183. There is no advantage to butter merchants, is there, in butter containing a high percentage of water?—No, on the contrary, it is a loss.

2184. Why is it a loss?—Because if butter contains an improper percentage of water it is found to lose weight, and as we buy and sell butter by weight, and as we frequently have to keep our butter perhaps for some weeks in our stores, if it loses weight owing to an improper or unnecessary percentage of water, it means loss to us; consequently, everything else being equal,

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Chairman—continued.

it would be to our distinct advantage if butter could be made with a very low percentage of water.

2185. And yet you found, when you inquired into this matter, that the percentage of 16 per cent., more or less, observed by the analysts was not fair to the makers?—That was the result of our after experience.

2186. You have a number of samples examined, have you not?—Yes; in the year 1893, as the table which has already been handed in will show, we had 197 samples of butter taken indiscriminately from the purchases of our members in the different markets in Munster, and sent for analysis to Professor Tichborne, of Dublin. Our object in doing that was to see how the matter stood. We never had any analyses made before, in fact the thing was perfectly new to us, and we determined to spend some money in ascertaining our position.

2187. And the water in those samples varied from 8 to 30 per cent.?—Yes, from 8 to 30 per cent.

2188. Four-fifths of them contained between 15 and 22 per cent.?—Yes.

2189. And about 14 per cent. of the total number contained water from 22 to 30 per cent.?—Yes.

2190. But that was in excess as compared with the analysis in the following summer?—Yes, very much.

2191. The following summer was a cooler year, and, consequently, that accounts for the varieties extending only to 24 per cent. instead of 40 per cent. as comparing the two years?—Yes. We sent 148 samples for analysis in the year 1894. I may mention that so anxious were we to ascertain the exact state of affairs in connection with water in butter that it has cost our association up to now something like 200*l.* for analyses, and the incidental expenses in connection with analysing butter, so that we might know how the matter really stood. We continued the inquiry this year solely for the purpose of having reliable data for both 1893 and 1894, to present before the Committee of the House, which, we expected, would be bound at some time or another to inquire into this matter.

2192. And those data are to be found in the tables which have been put in and read to the Committee?—Yes.

2193. Then, in addition to that, have you made some analyses at different dairies?—Yes.

2194. Will you just give us those, briefly?—The variations in the same dairies are striking. As I have mentioned, we have taken those samples indiscriminately from the dairies which I shall mention, and which I shall number Nos. 1, 2, 3, 4, 5, and 6. Taking Dairy No. 1, in April 1893, a sample from this dairy contained 12 per cent. of moisture. (Up to then we had no record of the temperature of the atmosphere.) In July, with a temperature of the atmosphere ranging from 72 to 74 degrees in the shade, a sample of this butter, made in the same dairy, analysed 26 per cent. of moisture. A fortnight later, in the same month, another sample from that dairy, when the temperature ranged from 69 to 70 degrees in the shade, analysed 19 per cent. of moisture. The next sample which I find recorded in our register of this dairy was in September, with the temperature ranging between 65 and 66 degrees, when the sample was made, and it contained 9 per cent. of moisture.

Chairman—continued.

2195. Now will you take Dairy No. 2?—Taking Dairy No. 2, we took a sample of this dairy in June; the temperature ranged from 79 to 83 degrees in the shade, and the butter contained 25 per cent. of moisture. In July another sample from this dairy analysed 17 per cent. of moisture, with a temperature ranging from 73 to 77 in the shade. In October another sample, with the temperature ranging from 55 to 59, analysed 11 per cent. of moisture. The variations which we noticed in this dairy struck us as very strange; because we knew the proprietor of this dairy to be a respectable man, a good butter maker, and a man who had a sufficient number of cows, 30 cows in his dairy, which we considered was a sufficient number to enable him to make good butter. Mr. Stokes and I were accordingly appointed by our association to visit this dairy and see the butter made for ourselves. We did so at the end of October, we witnessed the entire process of butter-making in the dairy, and we took a sample when the make of the butter was finished, sealed it in the dairy, and sent it to Professor Tichborne for analysis, who certified that it contained 16 per cent. of moisture. I may mention that in these tables I am omitting decimals just for the sake of simplifying matters. Now, it is very strange in connection with that dairy that early in October, with the temperature ranging from 55 to 59, a sample of that man's butter was sent to market in the usual way, and which the proprietor of the dairy was not aware we intended analysing, and that it should contain less moisture than the butter made a week later, and made in our presence. Then I should like to direct the attention of the Committee to the great difference between the butter made in our presence in this dairy, when the temperature stood at 59 degrees, which was the temperature on that day on which we visited the dairy, and the percentage of moisture in that dairy in June, when the temperature ranged from 79 to 83 degrees.

2196. Then there is Dairy No. 3?—In April a sample of butter from Dairy No. 3 was analysed which contained 15 per cent. of moisture. In May (which was the first date of which we have any record of the temperature of the atmosphere), with the temperature at 58 degrees in the shade, a sample from the same dairy analysed 16 per cent. In July, with the temperature ranging from 72 to 74 in the shade, a sample from that dairy analysed 21 per cent. of moisture. In September, with a temperature of 65 to 66 in the shade, a sample analysed 9 per cent. of moisture. Here, again, in this Dairy No. 3 which I have alluded to, there is very striking evidence of the effect of a high temperature upon the production of dairy butter. In July, this dairy, with a temperature ranging from 72 to 74 degrees in the shade, analysed 21 per cent., whereas in April it was 15 per cent.; and in September, with a cooler atmosphere, it

Chairman—continued.

it was 9 per cent. Then to take Dairy No. 4; the owner of this dairy is a County magistrate for Limerick; his dairy consists of 60 milk cows, and his butter is considered among the best coming into Limerick market, and fetches the highest price of any butter sold in our markets. We had samples taken from this dairy. The first was taken in July; the temperature at the time was about 70 degrees in the shade, and this butter contained 22 per cent. of moisture. We received two casks of butter from this dairy five days later in July, the temperature at the time ranging from 67 to 69 degrees in the shade, and we had a sample taken from those two casks.

Sir *Mark Stewart.*

2197. Fresh butter?—No, salt butter. We had a sample from those two casks one of which analysed 11 per cent. of moisture, and the other 19 per cent. Those two casks of butter were made in the same dairy, and in the same week.

Chairman.

2198. Were they salted?—Salt butter.

2199. They were made in the same week?—They were made in the same week, and in the same dairy.

2200. And yet one contained 11 per cent., and the other 19 per cent. of moisture?—Yes.

2201. Then in October, what did you find?—In October with a temperature of from 55 to 59 degrees, this very dairy analysed 8 per cent. Knowing this man to be a man of respectability, as I have already mentioned in connection with the other men, we thought it strange that his dairy should vary to such an extent, and the association at Limerick deputed Mr. Stokes and me to visit this dairy, and see the butter made in our presence. We did so a week later in October. The temperature on the day of our visit was 59 degrees in the shade, and the butter that we saw made there in our presence, and which was sent to Professor Tichborne, contained 14 per cent. of moisture. It seems strange that of two samples of butter from the same dairy made in the same week, one should contain 11 and the other 9 per cent.; but here it is still further strange that the butter made in October should analyse 8 per cent., and when we saw the butter made in the same dairy in our presence it analysed 14 per cent.

2202. That was a week later?—Yes.

2203. Will you now go on to Dairy No. 5?—Taking Dairy No. 5, a sample of butter from that Dairy in August with a temperature ranging from 80 to 85 degrees in the shade, which was the highest temperature recorded during the year in the Limerick district, contained 29 per cent. of moisture. In September we had another sample from this dairy analysed and that showed 18 per cent.

2204. What was the temperature then?—54 degrees in the shade. In October we decided to visit this dairy and see the butter made for ourselves. Mr. Stokes and I did so; we had witnessed the butter being made from beginning to end and had a sample of it analysed which contained 18 per cent., or practically agreeing with the sample which was analysed from that

Chairman—continued.

dairy in September, which the proprietor knew nothing whatever about.

2205. What was the temperature when you were there?—57 degrees in the shade.

2206. What is the next dairy?—The next dairy I shall go to is No. 6. The owner of this dairy is a magistrate for county Kerry; his dairy is exceptionally well fitted up, inasmuch as it has the advantage of being furnished with the patent butter roller butter table, which is, I believe, specially manufactured for the purpose of extracting moisture from butter. We took a sample from this dairy at the end of October and it analysed 19 per cent. of moisture. We were simply amazed. We knew this man and his dairy, and how it was fitted up, and we asked his permission to visit the dairy and see the butter made for ourselves; and a day or two later, in October, Mr. Stokes and I went there. We witnessed the process of butter making, and took a sample which analysed 20 per cent. of moisture. Now, I may mention that in none of those cases was there any hot brine used whatever; they were all made with dry salt.

2207. Then the inference that you draw from these experiments in the dairies of these makers, many of them being men of high respectability, is that the variation in the quantity of water was due to circumstances beyond their control?—That is so.

2208. And that there was not any attempt to fraudulently work water into it?—No.

2209. Because if there had been there would have been a more uniform result, I take it?—Yes; they would have done it systematically. Instead of that we found almost invariably this result which I have given you—that in cool weather the butter analysed a less percentage of moisture than the butter made in warm weather.

2210. And your experience on that point extends over a great number of samples—345 samples?—I am referring to the visits which we made to the dairies for the purpose of seeing this butter made. It was altogether five or six visits.

2211. Then you think from your personal experience, as well as from some hundreds of samples analysed, that it is inadvisable and almost impracticable to fix a standard of moisture in butter?—That is my opinion. I base my opinion on the results of the general analyses made for the year 1893, as compared with the year 1894, and I should direct the attention of the Committee to the returns in the table of analyses which Mr. Stokes has handed in.

2212. We have had all that table put on the minutes bodily?—Yes. But there is just one remark that I wish to make about it. With regard to the season of 1893, if a standard of water had been fixed, say within the limits which the analysts have now come to, that is, 15 or 16 per cent., there would be 20 per cent. of the samples which we had analysed for 1893 which would have come under that limit; and in the season of 1894 there would be 23 per cent. of the samples which we had analysed for 1894 which would still have come under that limit; and I agree with the evidence which Mr. Gibson has given,

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given, that if a definite standard were fixed makers who, during 1893, manufactured 20 per cent. of those samples under 16 per cent., and who, in 1894, manufactured 23 per cent. of those samples that we had analysed under 5 per cent., would say, "We will work up to the standard," and they would put 15, 20, or 18 per per cent., as the case might be, or 22 per cent. if a definite standard were fixed for the percentage of water in our butter.

2213. We have had that from the last witness, and you agree with him?—Yes, I agree with him.

2214. Then you think that Irish salt butter would be very injuriously affected by any standard of water?—In my opinion the fixing of a definite standard for salt butter, that is to say the fixing of a standard already given as the limit by the analysts, which means 16 per cent., would mean the destruction of fully five-sixths of the butter that is made in Munster.

2215. Then you think that 20 per cent. of moisture does not prejudice the purchaser?—No, and I should tell you why. Twenty per cent. of moisture may be found, and about 20 per cent. of moisture is found in Irish salt butter, and that butter is sold at from 15 to 25 per cent. less in price than Danish mild butter or English mild butter, which may contain five or six per cent less moisture than Irish butter. Our butter is made for a specific purpose; it is made for the purpose of keeping and being kept for winter use. It is kept from three to six months, and it is sold on its merits.

2216. And the public know that they are buying it?—I have heard some large retail grocers in Lancashire, who were witnesses for the defence in the Manchester prosecutions, say that their customers knew well that they were buying Irish salt butter when they came into their shops.

2217. And that it contained a larger percentage of water than other butter they probably would know?—Those witnesses were present defending a case of 21½ per cent. of moisture.

2218. And you think it is an article that sells on its own intrinsic merits?—That is my belief.

2219. There is a great demand for it in the North of England, is there not?—Yes; fully five-sixths of the Irish salt butter is sold in the North of England and in South Wales.

2220. Then you think that this popular article of food cannot be made except with the addition of brine, and not dry salt?—That is my opinion, and I have had some tests made on that point. I had two casks of butter made last August, and analysed in January of this year. That was after having been kept five months; one of those butters was made with brine; and the other was made with dry salt. The brine butter contained 18 per cent. of moisture, and the salt butter contained 11 per cent. of moisture. The brine butter was sweet and good, and saleable, and sold at a higher price than the butter made with dry salt, which only contained 11 per cent. of moisture, and which was rancid and bad.

2221. Have you anything more to say on that head?—No.

2222. Have you anything to say about margarine?—Yes.

Chairman—continued.

2223. Mr. Long made some observations in reference to margarine at Limerick, which you wished to comment upon?—Mr. Long in giving his evidence before this Committee at Questions 3265 and 3266, alleged that Irish butter was adulterated with margarine, and referred to a deputation from our Association to the Corporation of Limerick in support of that statement. I may say that he is under a complete misapprehension as to what did occur. At the time the Association took action and waited on the Corporation, a small farmer was detected selling in the Limerick retail butter market a substance as butter that was adulterated with margarine. That was the only case that we have ever heard of where Irish butter was found adulterated with margarine. About that time our Association had samples of butter purchased from three of the largest retail shops in Limerick, and we sent them for analysis, and found that two of them were simply margarine of the usual type, and the third was pure. A deputation from our body drew the attention of the Corporation to the matter, and asked them to have inspectors appointed, and a more efficient administration of the Sale of Food and Drugs Act, and since then we have heard very little of adulteration with margarine in Limerick.

2224. And you do not think that margarine is now largely sold in Limerick mixed with butter?—No, and it never has been.

2225. Did your Association pass a resolution about margarine?—Our Association passed three resolutions with regard to margarine. The first one was at our meeting in the month of January in this year. Shall I read it?

2226. Yes.—It is as follows:—"Resolved: That while in no way wishing to interfere with the legitimate sale of margarine, which is now a recognised article of commerce, this association is of opinion that the colouring of margarine to imitate butter ought to be prohibited, and that it should be compulsory to have it sold in its natural colour." At our meeting on 28th March the following resolutions were passed: (1.) "That in the opinion of the members of this association, margarine should be sold only in specially-shaped packages, so that buyers may know that they are being served with margarine at the time of purchase." (2.) "That this Association are totally opposed to the mixing of margarine with butter, believing that the mixing of both is the cause of more fraud on the public than anything in connection with the margarine question."

2227. Then I think you have something to tell us about the trade done between Limerick and Rotterdam in empty Irish butter firkins?—Yes. It is a matter of common knowledge in the butter trade in Limerick that up to a few years since a pretty considerable trade was being done between Limerick coopers in what is known as the old Irish butter firkin and the ports of Rotterdam and some Austrian ports, in empty Irish firkins; and the conclusion that we have come to is that they were imported there for the purpose of being filled with margarine. That is our impression. We have no positive proof further than that we say that the firkins were shipped empty from

Chairman—continued.

Limerick to Rotterdam and to some Austrian ports.

2228. You have no evidence that they came back filled with margarine which was sold as Irish butter?—We have no evidence upon that point.

Sir *Mark Stewart.*

2229. Have you any margarine factories in Ireland?—Yes.

2230. Where?—We have one at Limerick and there is one at Dublin.

2231. Do they turn out much margarine at Limerick?—I do not know what they do; I think they do.

2232. Do you think it is any advantage to the farmer in getting rid of his produce to be able to send his milk to a margarine factory?—I do not think so, because he has plenty of other outlets for it. We have in addition to this margarine factory at Limerick, a large condensing factory for the purpose of condensing milk.

2233. Is there an increasing trade in condensed milk?—I cannot give you any evidence upon that point.

2234. Is it a fact that the farmer gets as good a price at the margarine factory as he would at a creamery for his milk?—I do not know that.

2235. You cannot say whether it is any advantage to him?—I know nothing about margarine manufacture at Limerick, Dublin, or anywhere else; I have no connection with it.

2236. Then you cannot say whether it is any advantage to the farmer that a margarine factory is to be found at Limerick?—No, I cannot say that it is.

2237. What would be the percentage of moisture in fresh butter; I think you said 20 per cent. in salt butter. What would be, in your estimation, a fair standard for fresh butter?—Do I understand by fresh butter, unsalted butter?

2238. Yes, unsalted butter?—I never had any unsalted butter analysed.

2239. You do not make it in that part of the country?—No.

2240. Do you consider that if more factories and creameries were introduced in different parts of Ireland they would do much good, or do you consider that the present ones at Munster and Glasnevin do much good?—You mean the dairy schools; the one at Munster and the one at Glasnevin.

2241. Are they sufficient for all practical purposes?—I think if we had more of those dairy schools in Ireland it would be very much for the benefit of the butter trade.

2242. Where would you plant them?—Limerick, for instance, is a very large butter-producing district, Waterford is another, and Kerry is another.

2243. You would not go further north?—I know nothing whatever about the butters made in the north.

2244. But you think that the advantages accruing from the present schools and creameries are very great?—I think the advantages derived from the present Munster Dairy School and the school at Glasnevin are certainly very great and very material.

Sir *Mark Stewart*—continued.

2245. And do you in common with the last witness attribute the increase in the better production and manufacture of butter in Ireland very much to this dairy education which has been given in those schools?—I do indeed.

Mr. *Colman.*

2246. Do I correctly understand you to say that you think the purchaser, as well as the retailer, I suppose, has a pretty clear idea as to the value of butter when he knows the quantity of water in it?—I do not know that. The purchaser cannot tell to a degree as to what quantity of water there may be in butter, but he can tell what suits his taste in butter, just as much as he can tell in the case of Cheshire cheese. Cheshire cheese, although it contains more moisture than American, fetches more money than American.

2247. Then, in other words, you mean that if an analyst has a sample of butter with a considerable quantity of moisture in it, which is sold at a corresponding price, if the analyst knew what price it was sold at he would not have to condemn the butter. That is what I understand you to mean?—No, I do not mean that. The point of my evidence that refers to that, in which I bring out that idea, is treating of the prejudice to the purchaser. I do not believe that the sale of Irish salt butter with about 20 per cent. of moisture in it is to the prejudice of the purchaser. That butter is made to keep for from three to six months; it is sold when all other descriptions of butter are dearer, and as a rule it is sold at from 15 to 25 per cent. less in price than other classes of butter at that time, which may contain 5 or 6 or 7 per cent. less moisture. It is sold on its merits. Irish butter with that per cent. of moisture is sold on its merits.

2248. But then the analyst at the present time does not know anything at all about the price at which it is sold?—I do not suppose he does.

2249. Do you think it would facilitate justice if the analyst were informed by the inspector at what price he has purchased the article?—I have not considered that question, but I should think it would.

2250. He might have paid one price for fresh butter that contained no moisture and might have paid another price for salt butter?—I thoroughly agree with that point; that would be an advantage.

Mr. *Kilbride.*

2251. It appears from your figures that in every case the moisture was higher in the months of June, July, and August, in all these dairies than was the case in April, May, and September?—Yes, that was so.

2252. And in the case of No. 3 Dairy, the moisture was as high as 21 per cent. in July, and as low as 9 per cent. in September?—21 per cent. in July, and 9 per cent. in September.

2253. And there was somewhat the same variation in all the other dairies?—Yes.

2254. In the case of a dairy where the two firkins samples were taken in one week, one with 11 per cent. of water and the other with 19 per cent., were these two samples both made on

Mr. *Kilbride*—continued.

on the same day?—The difference in the analysis of those two samples is that one contained 11 per cent., and the other 19 per cent. They were made in the same week.

2255. Were they made on the same day?—I cannot tell you that; I was not present at the making of those butters.

2256. However, your experience as a practical man (having made these experiments) is, that temperature has a serious effect on the quantity of water in butter?—Yes.

2257. And you do not agree with a good deal of the evidence which was given by the professional analysts at the Manchester trials?—I do not.

2258. For instance, one gentleman stated that on a warm day the water would be more likely to come out of the butter; what do you say to that?—That is ridiculous.

2259. And he stated as well that butter-makers would get even more water with dry salt than with pure; you do not agree with that?—No, I do not.

2260. Professor Tichborne on that occasion stated that the higher the temperature the more difficult it is to get out the water; do you agree with that?—I agree with Professor Tichborne's view, and I believe that Professor Tichborne in giving that opinion shows the effect of having studied the question. He is the only man I know of who has had anything approaching practical experience upon this question of water in Irish butter.

2261. A statement was made by an analyst too, on that occasion, to the effect that if an unlimited quantity of dry salt be used the moisture is not increased; do you agree with that statement?—The only increase that I could see which an unlimited quantity of salt would make in the moisture of butter would be the addition of the moisture which is already in the salt, which must consequently increase the moisture in the butter to that extent.

2262. I shall not go all through these different statements that were made by different analysts at the Manchester trials, but I presume you are acquainted with all this divergent evidence?—Yes.

2263. Is it your view that it is owing to the fact that a good many of those professional analysts have had no practical acquaintance with butter-making that they gave such extraordinary evidence?—That is the only reason that I can see why they did so.

Mr. *Kennedy*.

2264. Could you tell me from practical experience, does not the amount of moisture vary in butter as much as 5 per cent. in a single cask?—Yes, I have found it so.

2265. How do you account for that?—I account for that in this way: I believe that this question of water in butter is a question that is surrounded with a tremendous amount of difficulty, and that we know very little about those matters, because we have not accumulated any-

Mr. *Kennedy*—continued.

thing like sufficient evidence to decide either one way or the other as to the fixing of a definite standard for moisture. We are the only people connected with the butter trade of the United Kingdom who have ever had any number of samples analysed for the purpose of ascertaining definite information on this point.

2266. If a butter cask is standing on its end, in which end of the cask would you expect to get most water?—The bottom.

2267. In the same way, in the case of a butter merchant having a lump of butter standing on a slab in his shop, at which end of the lump would you expect to find most water?—It all depends upon the time at which you took the sample from the lump. If, after the butter is turned out on the counter, you went immediately and took a sample from that slab, the bottom, in that case, would be turned up, and I would say, on the contrary, that you would get more moisture on the top.

2268. Supposing it had been standing some time on the slab, then you say you would find it at the bottom?—Yes.

2269. Then if an inspector came and took a sample from the bottom of the lump of butter, he would find more water in it probably than the actual average amount?—That is my opinion. I may mention on that point that in 1893 an inspector at Limerick under the Sale of Food and Drugs Act took a sample of butter from a cask for analysis, and, speaking from memory, he took that sample from the top. The firkin of butter was purchased by one of our members, and for the purpose of ascertaining what was in it I followed the butter to his store, and I took a sample from the bottom. My sample was sent to Professor Tichborne, while the public inspector's sample was sent to Sir Charles Cameron; and, speaking from memory again, the difference in the analyses of those two samples was fully 3 per cent.

2270. Therefore, if a sample is taken by an inspector from such a lump in a shop it is an accident whether it may or may not exceed the limit set up by the analyst?—I think so.

2271. I think Professor Long said that at Question 2149 that from 25 per cent. up to 28 and 29 per cent. is very common in Irish butter; do you remember that?—Yes.

2272. In your opinion, is that statement correct?—No. The best contradiction I can give to that evidence is this table that we have handed in. During 1894 this table shows that out of 141 samples of butter which we analysed, only three exceeded 22 per cent. of moisture, and 145 samples varied from 8 to 22 per cent. That is the best contradiction I can give to that point made by Professor Long.

2273. The last witness, Mr. Gibson, said that he could know by the touch of butter whether water had been fraudulently added to it; could you do so?—No, I could not.

2274. Do you know of any butter-buyer connected with your association who can detect whether water has been put in fraudulently?—None, except Mr. Gibson.

Wednesday, 3rd April 1895.

MEMBERS PRESENT :

Colonel Bagot.	Mr. Kennedy.
Mr. Barton.	Mr. Kilbride.
Mr. Colman.	Mr. Newdigate.
Sir Walter Foster.	Sir Mark Stewart.
Mr. Kearley.	Mr. Whiteley.

SIR WALTER FOSTER IN THE CHAIR.

Mr. CHRISTOPHER J. DUNN, called in ; and Examined.

Chairman.

2275. I THINK you are connected with the Cork Butter Market Trustees?—Yes ; I am Chairman of the Cork Butter Market Trustees, and have been so for nearly eight years.

2276. Do you hold any other position?—I am a member of the committee of the Munster Dairy and Agricultural School.

2277. Have you formed an opinion about the law with reference to the adulteration of butter? —Yes ; I believe that the law as it stands, and as it is administered, is not a sufficient protection either for the consumer, the manufacturer of pure butter, or the honest retailer who sells pure butter, and is undersold by competitors who sell margarine, and mixtures of margarine and butter, as pure butter.

2278. And what do you think ought to be done to protect those several classes?—I think that the fines which are usually imposed are entirely insufficient to protect them ; but, speaking generally, I am more in favour of a vigorous administration of the law, when it will be amended, than of an unnecessary multiplication of restrictions.

2279. Then your opinion is that a more vigorous administration of the law, together with the increase of fines, would be sufficient?—A vigorous administration of the law as it stands would not be sufficient, I think.

2280. The fines, in fact, are too small to deal with a very profitable form of fraud, you think? —Yes, the frauds are so profitable that fines such as 2*l.* and 5*l.*, and even 50*l.*, are quite insufficient. I think that the maximum fine should be 500*l.* on the third conviction, or more.

2281. You would not go so far as some witnesses have, and suggest imprisonment?—The fraud is committed for the purpose of making money, and I think that if you were to take a very substantial sum out of the pocket of the man who committed the fraud that the punishment would fit the crime exactly ; but it should be a very substantial sum.

2282. Do you think magistrates would inflict fines to that amount?—I think they would be more likely to inflict fines than imprisonment; that is one of the reasons why I prefer a substantial fine to imprisonment. And another

Chairman—continued.

reason is this : We are told that at present margarine manufacturers and dealers in mixtures promise the retailers that if they are convicted they will pay the fines for them. Now, if there were a danger of the fines reaching such a substantial sum as 500*l.*, that promise would not be given.

2283 Have you any evidence of that which you can put before the Committee?—No, I have no direct evidence of it myself, but I have seen it stated in the evidence often that such things were done. It is very difficult to come at these things, of course.

2284. It is important, you will agree, that a statement like that should be backed up, if possible, by some kind of evidence that it is the custom in the trade?—I am not able to give direct evidence on that point.

2285. Your butter market trustees have passed some resolutions, have they not, lately with regard to the colouring of margarine?—Yes ; they passed resolutions against the colouring of margarine, so that it should not simulate butter.

2286. That is to say, that margarine should be sold in its own natural colour, but not coloured to imitate butter?—Yes, that was the resolution passed by the trustees recently.

2287. Have you a copy of the resolution with you?—Yes.

2288. Will you read it, please?—It was passed on the 8th of February 1895, and is as follows : "That, bearing in mind previous Parliamentary Enactments, the objects of which were to prevent the imposition of margarine as that of pure butters, and observing the failure of these Acts to effect so desirable an object, we consider it absolutely necessary in the interests of dealers in, and producers of, genuine butters, that in the manufacture of margarine no artificial colouring which would simulate real butter should be permitted." They also passed a second resolution, which is as follows : "A most urgent necessity, we consider, exists for a Government inspector, who should be empowered to enter and examine all premises where margarine is manufactured or sold or held in stock ; who shall be armed with authority

Chairman—continued.

authority to prosecute where palpable fraud shall be discovered."

Sir *Mark Stewart.*

2289. What date is that?—The 8th of February this year.

Chairman.

2290. You would also like, I understand, to have your Local Government Board in Ireland, for instance, invested with stronger powers to compel local authorities to do their duty in this matter?—Not only in Ireland, but in the United Kingdom, I think the Local Government Board should have power to compel local authorities to carry out the law, just as they compel boards of guardians to administer the Poor Law.

2291. But I suppose you are aware that the whole tendency of public opinion is to have less central interference rather than more?—Yes, I am aware that that is the tendency; but in a case of this kind, it seems an anomaly that you should have the law a dead letter in one parish, and active, or somewhat so, in a neighbouring parish.

2292. But the tendency being throughout the country, and also in Ireland, to give local authorities, where they exist, power to manage their own affairs, it is difficult to have an increased centralised power, is it not?—But this is not a purely local matter; local authorities are not all-powerful in such cases as the prevention of fraud on the Revenue or fraud of any kind.

2293. But the Revenue protects itself when there is any fraud on the Revenue?—Yes.

2294. This is not quite in that category?—No, it is not.

2295. But still, in your opinion, there ought to be some central authority to insist on local authorities carrying out the law?—Yes.

2296. And with that view you suggest that dealers in margarine should be licensed?—Yes, I am very much in favour of that.

2297. And if they paid a sum for their licence that would necessitate, would it not, that the local authorities should look after them?—Yes. I think the sum ought not to be a large sum, but a mere trifle, the object is not to raise revenue.

2298. But the object is to have evidence that they are licensed for this particular trade purpose?—Yes.

2299. And you would put over the door of those licensed dealers in margarine a sign?—Yes, or in some conspicuous position.

2300. With regard to water in butter, have you anything to say on that subject?—Yes. The question is a somewhat difficult one, owing to the undefined state of the law; but I believe that the fixing of a standard, as has been suggested, at such a point as 16 per cent. would sometimes cause quite innocent people to be punished. I know of one instance that bears out that opinion: In the month of August, 1893, when the weather was particularly hot, a quantity of about 6 cwts. of butter was purchased, and it was worked in the butter factory in Cork with the most approved appliances for expressing moisture. When the butter would bear no more working it was analysed by the proprietor,

Chairman—continued.

because he was satisfied that there was too much water in it, and he found it to contain over 18 per cent. of moisture. Thereupon the proprietor, rather than risk his reputation, sold it as grease for melting purposes, for confectionery purposes, at a loss of 60*s.* a cwt., and he lost 18*l.* upon that one transaction. He was afraid, at the time, that if the butter came across here it might have gone into some district in which the local analyst would think 16 per cent. of moisture was the proper standard, and he would not risk his reputation; he submitted to the loss of 18*l.* on one transaction rather than run the risk of that.

2301. That is an accident that does not often occur, is it not?—Not very often; but it does sometimes occur.

2302. And it is possible, in your opinion, that a perfectly honest maker of butter might, under such circumstances, such as hot weather and so on, have a larger percentage of water than 16 per cent. in his butter?—Yes, and I have given you a case in point where there was a larger percentage than 18 per cent.; and this special manufacturer had appliances, which a great many of the poorer farmers and small makers could not have, for getting out the water.

2303. Do you think that the fixing of a standard of water would have any tendency to deteriorate the quality of the butter generally, supposing the standard was as high as 18 or 20 per cent?—If the standard was 20 per cent. the effect would be different; but if the standard were fixed too high I think that the effect would be injurious in this way, that it might be an inducement to some people to put water into their butter; whereas, if the standard were too low, it would be an injustice to those who, through no default of their own, had to leave some water in their butter. On the question of standard, I think that the subject has not been sufficiently investigated so far as to make it possible to fix a standard. I would like to see a standard fixed at the lowest point at which it could be fixed, without doing injustice to honest makers of butter.

2304. And you think there is not sufficient evidence at present to fix that standard?—I should think not.

2305. You have an apparatus, I believe, in the Cork butter market for testing the quantity of water?—Yes. For nearly seven years we were most anxious to get a means of testing for water in butter that we could use every day in the market, and at last we have got such a means; we have got an apparatus that suits that purpose. Our mode of procedure there is this: When a butter comes into the market, it is inspected by the inspectors, who put the quality on it. If they have any suspicion that there is an undue quantity of water in the butter they immediately send it up to the inspector's room where an official is always on duty testing for water. If he finds that there is less than 18 per cent. of water in it, then the quality may be put on the cask which contains the butter, that is, 1st, 2nd, 3rd, or 4th, as the case may be. If there is between 18 and 21 per cent. we do not consider that a case for prosecution, but on the

Chairman—continued.

other hand we do not consider that butter containing that amount of water is good enough to get the brands of our market. But if there is more than 21 per cent. we prosecute. It was in May last that we got this apparatus, and since then we have examined 3,475 samples, and have prosecuted in 41 cases, and got convictions in those 41 cases where there was more than 21 per cent. of water.

2306. Can you tell the Committee the average percentage in those 3,475 cases?—No, I cannot tell you the average percentage in the 3,475 cases; but I can tell you the average percentage in the 41 cases; or rather in the 41 prosecutions with 44 firkins, because three of the firkins belonged to one man and two to another. The average percentage in those was 22·658, and the highest percentage was 27·24; and the lowest percentage, for which we prosecuted, was 21·26.

2307. Then you prosecute for anything over 21 per cent.?—Anything over 21 per cent.

2308. So that you have fixed a standard practically in the Cork market?—We have; but we have a twofold advantage there: we have also the certificate of the analyst that there is water in the butter, because, when we find it with our own test, we always send a sample to be analysed by the county analyst.

2309. Does the analysis of the county analyst correspond with the result of your averages?—Very closely.

2310. What is the limit of variation?—I should say that the limit of variation, at first, was sometimes about ½ per cent., but now it is reduced to, I think, less than a ¼ per cent.; it is very close.

2311. What is the nature of this apparatus?—There is a perfect chemical balance in which the butter is weighed, and it is then heated in a platinum dish, or porcelain dish, and all the water is evaporated, taking care, at the same time, not to heat the butter above a temperature of about 130 degrees centigrade, because at a higher temperature than that there would be a loss of weight by decomposition. The water is entirely evaporated at that time, and the butter is weighed again, and the difference between the two is the percentage of moisture.

2312. How long does this process take?—It is done in about ten minutes, which is a great advantage to us.

2313. And, as I understand, you find that the result corresponds very closely, within ½ per cent., with the results of your chemical analyses?—Yes.

2314. Does your apparatus enable you in any way to distinguish between water that is natural to butter and water that is added for fraudulent purposes?—No; but our inspectors are able to distinguish in nearly all cases.

2315. How do they distinguish?—They distinguish by the grain of the butter, and some of them think they can certainly be correct in 19 cases out of 20.

2316. Then, in that case, a man's character for honesty would depend upon the power of observation of an individual, would it not?—Yes; but we do not depend upon that solely; we depend upon the analysis.

Chairman—continued.

2317. You have an analysis as well?—We have an analysis as well.

2318. But considering that the limits of water in butter, in Irish butter more particularly, are comparatively wide, do you think that it would be safe to find a man guilty, if he had, say, 20 per cent. of water in his butter, of fraudulently adding water to it, on the evidence of the observation of an inspector?—With the analysis, yes. If a case came before him of butter which was a manifest failure; that is to say, that the manufacturer in trying to make the butter found he could not make it through what is technically known as a failure, the inspector would not advise a prosecution in that case.

2319. Does your analyst in his report tell you whether the water has been fraudulently added?—No, he does not; no analyst will do that, I think.

2320. No analyst, you think, can do that?—Not so far as I am aware.

2321. We have had evidence here yesterday to the effect that it can be done, and that the certificate of the analyst ought to contain a statement as to his opinion, whether it was fraudulently added or not; were you aware of that?—Yes, but I do not agree with all the evidence.

2322. You do not think it is possible for a chemical analyst to write on the bottom of his certificate (that is to say, in many cases) "This water has been fraudulently added," or, "This water has not been fraudulently added"?—I do not think so; I think all that he can do is to state that there is a certain amount of water in the butter; that is my opinion, but I am not a chemist.

2323. But you are aware, are you not, that water in butter varies considerably with climatic conditions?—Yes.

2324. And also in certain districts according to the nature of the soil?—That is a point I am not quite so certain about as about the climatic conditions. I am not certain that the variation is very great in that case.

2325. You would not go so far as to say that Irish butter contained more moisture on account of the general humidity of the climate?—I would not. It may contain more water because it happens to be more salt. But I would not recommend one standard for English and Continental butter and another standard for Irish butter, as such.

2326. You would not have a separate standard?—No. I think that Irish butter ought to be as good as any other butter.

2327. The members of your committee are, I think, devoting a good deal of time and trouble to this matter, are they not?—They are.

2328. And they have had nearly 200 samples, received most of them from the county of Cork, some from Sweden, and some from Australia?—Yes; the members of the sub-committee of the Munster Dairy and Agricultural School have taken very great interest in this matter, and they are investigating it with very great trouble and at some considerable expense to the school. They have got about 20 samples; most of those were made by the small makers in the county of Cork; but they have got 20 samples from

Chairman—continued.

from Sweden, in order to compare foreign butter with Irish butter; and they have also examined six samples from Australia.

2329. Can you give us the results of their experiments, so far as they have gone?—No; because the results are not complete as yet. I was talking to a member of the sub-committee before I came here, and he said they would not be complete for some months to come.

2330. That is to say, the inquiry would not be finished?—That is so. They are making a very careful inquiry on a great many points that have been very much discussed latterly, such as the comparative keeping properties of butters which are mixed with dry salt and of butters mixed with brine, and even warm brine. They make up different samples of the same butter and set them aside, and they will examine them in four weeks, eight weeks, and 12 weeks, to see how they stand, whether they are deteriorating, or which is deteriorating the more rapidly.

2331. You have had a great deal of experience in the Cork Market, of course, in connection with salted or pickled butter?—Yes.

2332. Have you formed any opinion as to the best mode of preserving butter?—It is curious how the opinion of the best authorities on that subject differs; some very good authorities tell you that it should be preserved with dry salt; others say that it should be preserved with pickle, and it is hard to form an opinion; but I think that this investigation, which the sub-committee of the Munster Dairy and Agricultural School are at present making, will settle that question. They are actually getting the same butter, and treating it in a different manner, and setting it aside and testing it after the lapse of months, to see which is the better preserved.

2333. I suppose you receive butter in the Cork Market from different butter factories, as well as creameries?—Most of the butter which we get in the Cork Market is the butter of farmers.

2334. Is there not a butter factory called the Milford Butter Factory in Charleville?—There are a great many factories in County Cork and the adjoining counties.

2335. But you do not know anything about that particular factory?—No, I do not.

Sir *Mark Stewart.*

2336. Do you consider that these butter factories or creameries have done much good in educating the dairy industry to make better butter?—There is a difference of opinion with reference to that; some people prefer the factory or creamery butter, and some will tell you that it is impossible to make better butter than is made by the best farmers, but that the creameries have it more uniform; that is to say, that all the casks will be the same at the factories and at the creameries.

2337. Would you advocate that system to be extended?—I would not.

2338. Do you think that the private maker has sufficient advantages to make as good a produce?—I think so.

2339. You say that you consider that a very heavy fine (a substantial sum, I think, was the word you used) should be imposed on the sellers of mixtures of margarine and butter for butter, after the third conviction; but what amount would you propose to suggest?—I would say 500*l.* If a dealer in butter continues to break the law after he has been fined it proves that, in his opinion, there is more money to be made by defrauding the public than there is to be lost in the fines; and I think that when that conviction prevails it is high time to increase the penalty.

Sir *Mark Stewart*—continued.

2340. To what extent would you increase it; would you double it, or treble it?—I would increase it to 500*l.*

2341. On the third offence you would be prepared to go that length?—Yes.

2342. Do you think that magistrates would not be willing to imprison?—I am afraid so.

2343. And, therefore, if imprisonment was made the extreme penalty, the punishment would be practically a dead letter?—I am afraid of that; whereas if the magistrates have reason to believe that a man who was convicted was making 25*l.* a week out of the fraud they would not hesitate to fine him the 500*l.*

2344. Have you heard much expression of opinion in regard to the colouring of margarine, and against the colouring of margarine?—Yes; the Cork Butter Market Trustees, as I have told the Committee, passed a resolution to that effect.

2345. Have you any manufactory of margarine at Cork?—No, I think not.

2346. Or any nearer than Limerick?—I am not aware of any.

2347. Is there much margarine used in Cork?—No, not much.

2348. Not in mixtures?—No; it has been sold in shops in the city, but not to any very large extent, unless it has been done without the knowledge of the public.

2349. And you think that if dealers in margarine were compelled to take out a license, that in a great measure would enable the public to detect where margarine was sold as butter, and would stop that adulteration?—Yes, I think so. Any one going to purchase in that shop would know that margarine was sold there, and he would be looking out for it.

2350. Is there much laxity on the part of the local authorities, in your opinion, in prosecuting?—Yes, I think so.

2351. What central authority would you suggest for Ireland?—It is not for Ireland solely, but for the United Kingdom.

2352. Well, for the United Kingdom, what central authority would you suggest?—The Local Government Board, I suppose, or some new authority.

Mr. *Newdigate.*

2353. You made a remark about margarine not being coloured to imitate butter. We were shown a specimen of margarine here the other day which it was almost impossible to tell, even in its natural colour, from butter. Is it your experience that it is possible to tell if it is not coloured at all?—Generally it is, but I may say

Mr. *Newdigate*—continued.

that I have no strong bias in favour of that restriction, if some other restriction were discovered which would prevent the fraud. The fraud on the public is going on, and I think that some strong measure must be taken to prevent it; and the board of trustees to which I belong made that suggestion.

2354. Then you do not think that any fixed standard of water is practicable at present?—Not at present.

2355. From your experience what sort of percentage do you think would be a fair one all round?—I should say about 20 or 21 per cent. would cover all cases. I would not like to have too high a standard, because it would be an inducement to put hot water or pickle into butter.

2356. Then I think that you said that you did not believe that the condition of the feeding had much to do with the amount of water in butter?—I am not aware of that, but it may be so without my knowledge. I think the question has not been thoroughly investigated by any one up to the present time.

Mr. *Whiteley.*

2357. Do you think there is a fraud going on now upon the public by the sale of margarine for butter?—Yes.

2358. And you say that you are in favour of a vigorous administration of the law, and an increase of fines?—Yes.

2359. Then you do not agree with what Mr. Gibson said yesterday, that the public were very good judges of what they buy in the shape of butter?—I do not entirely agree with that; I think the public can be easily deceived.

2360. There is a conflict of opinion there between you and Mr. Gibson?—There is decidedly.

2361. With regard to these licences for the sale of margarine, cannot the public see by looking through the window of a shop whether margarine is sold there or not?—They can, if the man who sells it complies with the law and has the notices up; but that is not always done.

2362. Do you think that there would be any additional security for the public, over and above what they enjoy at the present time, if the licence were framed and hung up in a conspicuous place?—I think there would; it would be a permanent thing.

2363. You make these suggestions in order to prevent the public from being imposed upon, I take it?—Yes.

2364. And on those grounds you would place the administration of these Acts in the hands of some central authority?—I wish that a central authority should have some control to force the local authorities to do their duty.

2365. At the present time the local authorities are not doing their duty, you think?—They are not doing their duty, in some districts notably.

2366. I suppose that the local authorities really are the people in the various districts; that is to say, they represent the people in the districts, and they are the people indirectly, are they not?—They are representatives of the people.

Mr. *Whiteley*—continued.

2367. Therefore, if the public themselves are careless about preventing imposition upon themselves, you would put it in the hands of an outside authority to look after them?—I think that they should be protected. Even if the local authorities did not protect them from fraud, I think that they should still be protected.

2368. If they do not care about protecting themselves, in fact, you would bring in some other authority to protect them; is that it?—That is not exactly the way I should put it. If the local authorities were slow in doing their duty I would stimulate them.

2369. Are not the local authorities the people themselves practically?—They are representatives of the people.

2370. And indirectly they are the people themselves; is not that so. They can be changed, you know, if they are not acting according as is desired by the people?—They can be changed; but this is not a question on which they might be changed; they might be changed for some other question in which people were more interested at the time, and this question might be neglected.

2371. In fact, in your opinion, this question is one of such small importance that the public do not take any care about it?—No, it is a question of considerable importance, but it is not a question upon which you can get up a popular cry to go to the electors with.

Mr. *Kearley.*

2372. On the Cork Market you have experience chiefly of farmers' butter, I think?—Yes, chiefly.

2373. That is to say, hand-made butter, as distinct from butter made on the centrifugal process?—Yes.

2374. And I take it that your action has been in connection with those butters mainly?—Yes.

2375. And you have not inquired very much into the creamery-made butters?—Not very much; very little.

2376. And you are, perhaps, not prepared to offer an opinion as to the percentage of water that should be permitted in creamery butter?—No; it is not a subject about which I have special information.

2377. It is strictly with these farmers' butter that you have had to deal?—Yes, chiefly.

2378. Using the word farmer, I think I may take it that the Irish farmer, in the main, is a small man?—Yes.

2379. Who brings in his firkins of butter?—Yes.

2380. And these butters are made on the hillside and all over the country?—Yes.

2381. Under very primitive conditions; is not that so?—Sometimes very primitive.

2382. But at the same time it is a matter of notoriety in your market, is it not, that certain people make exceptionally good butter?—Yes.

2383. And you know by the name that a certain person always brings in most exceptional butter?—Yes.

2384. In directing your investigation to the percentages of water in butter, have you considered the percentages to be found in these reputed butters so as to get the line, if I may use the

Mr. *Kearley*—continued.

the term?—No, we have not made any very close investigation upon that particular point.

2385. But you would agree with me, I think, that there are, as I said just now, well known people in all these markets in Ireland, well reputed people so far as regards the quality of butter that they market?—Yes.

2386. But you have not investigated very closely those reputed samples in order to see whether the percentage there is high or low?—No; our object in the use of our testing machine, and in sending samples to the public analyst, has been to stop fraud, and not to investigate the amount of water that is in the best-made butter. Our first duty is to protect those customers who buy the butter with the brands of our market on it, and to see that when they buy our brands they are not likely to be prosecuted for having butter with an undue amount of water in it; and it takes nearly all our time to protect them.

2387. The point that I have in view in asking you this question, is to meet the statement that climatic influences have a large influence on butter, in so far as regards the percentage of water, because if certain people bring perpetually to your market exceptionally good butter, and the percentage of water is small, would that not tend to destroy the theory that, owing to the climatic conditions prevailing in Ireland, an exceptional limit should be given in the way of percentage of water. Do you follow what I wish to convey?—I do, quite. I may say, in the first place, that the climatic condition which I consider has the greatest effect on this point is temperature, if indeed it is not the only condition that affects the point. Moreover the best makers are very often in the vicinity of some very cool well where they can get cold water in the summer-time, and they are careful people, and get up sometimes at two or three o'clock in the morning, when the morning is as cool as it can possibly be, and they wash their butter with the coldest water to be got from these very cool wells; and in that way they can succeed where others who do not enjoy those advantages may not be able to succeed, but who at the same time may not be guilty of any fraud.

2388. Then it really reduces itself to a question of perfection of manufacture?—Yes.

2389. That is the point I wanted to make. Now, of course, these very small farmers have not up-to-date appliances?—No, they have not.

2390. They are called farmers, but they would not be called farmers in this country at all?—No; they would be called cottier tenants, I suppose.

2391. But they are the people who contribute largely to the supplies of butter that come into Cork, Limerick, and other markets; I mean to say that the man who brings in the one firkin in a donkey-cart is the main contributor to your markets; is not that so?—Yes, but all those who send in butter are not small farmers.

2392. And that man is making his butter under unfavourable circumstances?—He has not all the modern appliances; but at the Munster Dairy School, with which I am connected, we are most careful to teach people there how the very best butter can be made with the old-fashioned

Mr. *Kearley*—continued.

appliances, not perhaps in the most economical way, but still that can be done.

2393. Have you been keeping these records of percentages of water found in these butters for some years, or only recently?—It is only recently that we have got our testing apparatus; it was only last May. For years we were trying to get a ready testing apparatus, but we did not succeed until last May in getting one.

2394. That would be, practically, since the Manchester prosecutions?—Yes.

2395. That caused more activity?—Certainly.

2396. Because you felt that the Irish butter would become prejudiced in consequence of any suspicion that it contained a large percentage of water?—Yes. We were most anxious that those buying the butter bearing the Cork brand should be saved the possibility of prosecution, and we have been very successful since then.

2397. I dare say you have followed the evidence that has been given here, or read a great deal about it?—Yes.

2398. You are suggesting a higher standard than has been suggested by the majority of witnesses that have appeared here; do I correctly understand that standard to apply to Irish butter only, or do you wish to see it universally adopted?—I would wish the same standard for Irish butter as for all other butters; but my mind is not made up as to what the standard should be. At the same time we, in our market, cannot wait until a standard is fixed: we must go on from day to day, and we have adopted the system of refusing to put our brand upon any butter with more than 18 per cent. of water, in order to protect those buyers in England that buy butter bearing the Cork market brand. On the other hand, we do not think it advisable to prosecute where there is less than 21 per cent., because the magistrates might not convict; we are most anxious to stamp out this fraud of putting water into butter, and we think it is desirable that where we do take a case into court the magistrate should convict and inflict such penalties as would check the continuance of the fraud. At the same time we do not by any means wish it to appear, in the eyes of the people whose views are not quite clear as to what the percentage should be, that we are instituting vexatious prosecutions against our clients.

2399. I take it that your action is this: that you decline to brand any butter with more than 18 per cent. of water as first quality butter?—As any quality of butter.

2400. And any butters with a higher percentage of water you mark down in branding; that is to say, they become depreciated because they are marked in an inferior way. You mark every butter, I take it, that comes into your market?—No, we do not; we give it back to the farmer; we say that it is not up to our standard, and he must take it back.

2401. You would not brand it at all?—No, we will not send it to England with our brands upon it, and have our customers run the risk of prosecution.

2402. Do you expel it from your market?—We do.

Mr. *Kearley*—continued.

2403. And give it back to the farmers?—Yes.

2404. Do I correctly understand that you will only pass butter that does not exceed 18 per cent. of water?—Yes.

2405. And all over that you reject?—Yes, all that we detect; and we are very careful in our detection of it. It may not be fraudulent, possibly, but it is not good enough to get our brand.

2406. In your opinion, it is faulty in manufacture, and you will not brand it because you fear that your brands will become damaged in reputation?—Yes.

2407. Is it the opinion of your market officials and of the body that you are connected with, that were this butter allowed to come to England with an excessive percentage of water it would tend to damage the reputation of Irish butter generally?—Yes.

2408. And consequently that any suggestion of establishing a separate standard for Ireland would of itself be prejudicial to the Irish butter industry?—Yes.

Colonel *Bagot.*

2409. You say that you do not brand any butter containing over 18 per cent. of water?—We do not.

2410. That is to say, you do not deal in any butter, unless it is what you consider genuine?—That is so.

2411. How do you know when you are buying it from day to day. You can only take a shot, I suppose, at what the amount of water in it is?—Every firkin of butter is bored and examined by the inspector.

2412. Every firkin that comes to the market?—Yes, every firkin that gets our brand is bored by the inspector in order to put the quality on it to see whether it should be marked as superfine butter, or fine, &c.

2413. I thought you said that you had only one standard?—Yes, we have only one standard, but we have seven grades; we have three grades in the lightly-salted butters and four grades in the heavily-salted butters; but we will not put any of those brands for any of those classifications on butter that we know to have more than 18 per cent. of water.

2414. But how do you know; you cannot have each one analysed as you buy it, surely?—The great bulk of butter that comes to our market has not more than 12 to 15 per cent. of water in it.

2415. But if you think it has got more than that you give it back?—If we think there is more than that we send a sample up to be tested on the spot, and the firkin is put on one side. The inspector goes on with the other firkins before him, and that one is set aside while a sample is sent up and tested; and when the message comes down that the sample has contained only 14 or 15 or 16 per cent. of water, he will put the brand on it that he thinks the quality of the butter deserves. If he finds that it has more than 18 per cent. of water he will refuse to give it any brand, and will say to the farmer or his agent, "Take that butter away with you."

Colonel *Bagot*—continued.

2416. Then, in fact, all the butter that you buy is bought under inspection every day?—Yes; that is the system in Cork Market. There is an open division of the market also, known as the open market, where butter is sold without going through the hands of our inspectors; but that is not in much favour.

2417. But the butter that you do not take the seller probably takes to the open market to sell it to somebody else; is that so?—No, not necessarily. He gives it back to the farmer, and the farmer may send it somewhere else.

2418. In fact, you wish to show us that your firm deal in nothing but butter which they practically guarantee never to have more than 18 per cent. of moisture?—It is not a firm; it is the public market.

2419. But I mean to say you, as a buyer; you buy for somebody, I suppose?—No, I do not.

2420. What do you buy for?—I am the chairman of the Butter Market Trustees.

Mr. *Kilbride.*

2421. I think you said just now that when your inspectors pierced the firkins, if they suspected that there was more than 18 per cent. of water in any firkin the butter was immediately submitted to the test of your machine?—Yes.

2422. If it is proved then to contain more than 18 per cent. of water that firkin is rejected from the market?—Rejected from the brands of the market.

2423. Is not the owner of it also obliged to remove it from the market?—Yes.

2424. You refuse to brand it, and tell his agent, "Take it away; we will not allow it on the market"?—Yes. He may sometimes, of course, sell it to some person, but it will not go out as Cork butter.

2425. Then while you refuse the brand, you still allow that firkin to be sold in the market, do you?—We give it back to the agent, and we do not sell it in any way. You must remember that our market system is a peculiar one as regards branding and as regards selling. That butter will not be sold at our table; it will not be sold in our auction room. We refuse to have anything more to do with that firkin, and although the farmer's agent may take it away to his own office and sell it to whom he likes, we have nothing further to say to it. It will not come before the public as Cork-branded butter.

2426. Have you power to compel the man to remove it under the Act of Parliament by which you were incorporated, if it is not up to what you consider the proper standard?—We have general powers to make him obey the reasonable directions of all our officers, and if we refuse to put the brand on and tell him to remove it, he must remove it.

2427. Before you reject the butter do you get it analysed, or do you think that the testing machine of itself is a sufficient authority for you to reject the butter?—Yes. The testing machine was recommended to us by a gentleman who had been our analyst, and whom I had often been talking to on the subject. He said to me he could recommend me a machine with confidence, which

Mr. *Kilbride*—continued.

which could be used by a person of ordinary intelligence without being an analyst, and that it would be very accurate.

2428. And you have found in practice that the machine test so closely agreed with the analyst's test that the degree of variation, as I think you told the honourable Chairman, was at the very greatest a half per cent.?—Yes, I said the average was less than half per cent.; I do not think it ever reached so much.

2429. The greatest variation was half per cent.?—Yes.

2430. That gives you sufficient confidence in the result, you would say, to justify you in removing butter containing more than 18 per cent. of water as tested by the machine?—Yes.

2431. But you do not prosecute; you do not institute a prosecution, even supposing the machine showed over 21 per cent., without also being fortified by an analysis?—That is so; the analyst must go into court as a witness.

2432. I think you are on the Committee of the Munster Dairy and Agricultural School?—Yes.

2433. Do you get a Government grant for that school?—We do.

2434. Do you think that the Government grant is sufficient to enable you to do what you wish for the instruction of the agricultural interest in the South of Ireland?—We do not; we think we could do a great deal more if we had more money.

2435. You would be in favour of a strong representation being made to the Government on that point, I presume?—Yes.

2436. I think you were asked whether if the public believed that there was a fraud being committed on them they would rise up against their local representatives and compel the local authorities to put the Acts into force?—Yes, I was asked some question of that kind.

2437. Is it your opinion that the public at present are aware of the frauds that are being committed upon them in connection with margarine?—I do not think they are; they are not aware of the extent of the frauds, at least.

2438. The public are not aware of the amount of money that they are being robbed of, you think?—Not in my opinion.

2439. Would it be your opinion that if the public were aware of the enormous amount of money of which they have been fraudulently robbed owing to admixtures being sold as butter, and sometimes pure margarine being sold as butter, they would compel the local authority to put the Acts into force?—I certainly think they would do a great deal more than they do at present in compelling the local authorities to do so.

2440. Would you allow margarine to be sold in the same shop with butter?—Yes, I would.

2441. Would you allow it to be sold on the same counter?—I would. I am not in favour of multiplying restrictions and putting unnecessary restrictions upon traders, but I am in favour of some strong measure which will protect the public. I would rather have one good measure than a dozen indifferent ones of that character.

Mr. *Kilbride*—continued.

2442. Would you be in favour of compelling margarine to be sold in a different package from butter, a differently shaped cask or firkin?—Selling it in the same kind of firkin, or the same kind of cask, often leads to fraud, I think; but I would not strongly urge that restriction.

2443. Would you be in favour of every package of margarine being made up in a particular paper or wrapper which on the outside of it would bear in large letters the word "margarine"?—I would.

2444. And if that be so, do not you think it would be advisable that where margarine was sold in larger quantities it should also be sold in differently shaped packages from butter, with the idea, of course, of preventing fraud being committed on the public?—There is a great deal to be said in favour of that; but, as I have already said, on the general principle of putting restrictions on trade, I am rather against them where there is not a case to show that they are absolutely necessary. But I do think that there is a strong case shown that some restriction of some kind is absolutely necessary to stop this gigantic fraud that is being practised on the public at the present time.

2445. I think you told us that the inspectors in your market can distinguish between water naturally in the butter and water put in fraudulently?—They can, but they are not absolutely certain on that point. They all agree that they can give a very good idea of it; and some say that they can be certain in 19 cases out of 20, but they cannot be absolutely certain under all circumstances.

2446. You would think, of course, their evidence before a court would not be at all sufficient to justify magistrates in convicting?—By itself it would not.

2447. Do you think it would be a very great element for the magistrates to take into consideration in coming to a decision?—I think so.

2448. You would not recommend a separate standard for Irish butter, you said?—No; but I think it is probable that there should be a different standard for salt butter and fresh butter. But that is one of the points which this committee of investigation are going into at present.

2449. Are you able to tell the Committee what, in your opinion, would be a fair difference to allow in the percentage of water between fresh butter and salt butter?—No, I could not say; it will not be a very large thing, in my opinion, however.

2450. Would you say 4 or 5 per cent.?—Less than that, in my opinion.

2451. You tell the Committee that, out of those 3,475 cases that you got analysed since May last, there were only 41 cases that contained more than 21 per cent. of water?—Yes, 41 cases of prosecution; there were three firkins in one case with the same amount, and two in another case.

2452. You might take it that there were 44 cases?—Forty-four packages.

2453. Only 44 out of 3,475, which contained more than 21 per cent. of water?—Yes, and those 3,475 represented the very worst cases.

Mr. *Kilbride*—continued.

2454. The most suspicious cases?—Yes, the most suspicious cases that were passing through our market.

2455. You told us what the average was in those 41 cases, and what the highest and the lowest percentages were?—Yes.

2456. The highest being 27·24, and the lowest 21·26 per cent.?—Yes.

2457. Could you give the Committee any idea at all of what was the result in the remaining cases?—No, I could not; the man on duty passed on to the next immediately.

2458. Has any record been kept in those remaining cases?—There has been no record kept of the other 3,431 cases.

2459. And you cannot give the Committee any idea what the variation in those 3,431 cases was owing to the time of year?—No, I have no figures on that point; I can give you the number of prosecutions in the different months. There was one prosecution in May; 11 on 6th July; 10 on 31st July; 8 on 14th September; and 11 on 11th October; but that is not a very accurate test of the amount of firkins that were seized during each month, because we wait sometimes until we have a batch of them to prosecute.

2460. I think I gather from you there that in the month of July there was a larger number of convictions got than in any other month?—Yes.

2461. What is the exact number of convictions in the month of July?—There were 21 convictions in the month of July.

2462. That is 50 per cent. of the whole of the cases?—Yes; but there had not been a prosecution from the 5th of May to the 6th of July, so that that included all the June butters; and then, from the 6th to the 31st of July, there were 10 more prosecutions. I attribute that partly to the fact that the presence of our testing machine in the market has been the cause, I think, of lessening the amount of fraudulent butter coming into the market.

2463. You gave us the highest percentage of water in those samples as 27·24; in what month was that?—That was in July; the 31st of July.

2464. The lowest was 21·26; in what month was that?—That was the 11th of October.

2465. That would go to show, I think, that temperature has a good deal to say to the quantity of water in butter, would it not?—The temperature has a good deal to say to it, but, in our opinion, all those cases were not produced by climatic causes, but by the addition of hot water.

2466. But at the same time climatic causes, you agree, have a good deal to say to the quantity of water in butter?—Yes, temperature has a great deal to do with it.

2467. I think you told us that you did not believe that pasturage had had much to say to it?—I am not aware that it has, and I do not think it has.

2468. We have had evidence to that effect from more than one witness, I think?—They may be right.

2469. Is it not to the interest of everyone handling Irish butter to have as good an article produced as from any other country?—Yes.

2470. And it is with that object, to improve the character of Irish butter and bring it up to as high a standard as possible, that the trustees of the Cork Butter Market are acting at present?—Yes, in the matter of water, and also, of course, to protect those who buy our butters. And it is with that object solely that the Munster Dairy School, with which I am connected, is acting; that is to say, to improve the make of butter; and it has done an immense amount of good in that respect.

2471. Do you think that farmers' butter produced to-day is as good as it was 10, or 15, or 20 years ago?—Some of it is as good butter as can be produced in any part of the world.

2472. That is not exactly the question; in other words, the farmers' butter, you would say, has not deteriorated?—No; I think, on the whole, it has greatly improved. I think that the amount of good butter made in Ireland now is greater than ever it was.

2473. I think you told us that you would not advocate the extension of creameries in Ireland?—No, I would not.

2474. Will you say why?—I think the farmers can make as good butter in many cases; and the creamery system entails a great deal of trouble and expense in sending milk long distances to creameries and getting the skim milk back again.

2475. Do you think that if creameries became universal in Ireland, in the dairying districts where young stock were raised, the universal application of a system of creameries would have a bad influence on the quality of Irish cattle?—That is the opinion held by some, and it is a question that has not been thoroughly gone into, in my opinion.

2476. Can you give me any indication at all of the difference between ordinary skim milk in a farmer's dairy, and what is returned to the farmers from a creamery?—Yes; there is a little more fat in the ordinary skim milk than there is in the separated skim milk.

2477. Have you any experience at all of the different effect that those two milks have on the rearing of calves?—I have heard a great deal, and most contradictory opinions, on the subject from authorities.

2478. Have you any opinion of your own on that point?—No, I have no practical experience on that myself.

2479. You are aware, I suppose, that among the dairy farmers in the part of Limerick and Tipperary known as the Golden Vale their practical experience has been that the calves reared upon milk from a creamery cannot be reared as well as calves are reared upon ordinary farmers' skim milk?—Yes, I have heard that.

2480. Would that fact influence you at all in inducing you not to advocate an extension of the creameries?—To some extent. Supposing that one cow had tuberculosis and the milk was damaged, it would go into the creamery and be mixed with all the others, and some of that milk would go back to all the calves in that district; and

Mr. *Kilbride*—continued.

and I think that is rather a drawback in the creamery system, but I do not regard myself as an authority upon the subject.

2481. What difference in percentage of moisture would you allow between fresh and salt butter?—I could not say.

2482. That is one of the points, I think, upon which the Munster Dairy School are inquiring?—Yes, they are making inquiry upon that point.

2483. I think you told us that you would be in favour of the Government giving a considerably larger subsidy to the Munster Dairy School to enable you to carry out these experiments?—Yes; we have done wonders, I think, with the small amount of money that we had.

2484. What is the sum at present given?—I do not know the exact amount we are getting, because we get money from different sources. A large amount is raised by subscriptions (*vide* Appendix).

2485. How long is it since any prosecutions have been instituted here in England for excess of water in butter which was sold in Cork?—I think several months.

2486. Have any prosecutions taken place in England for Cork butter, subsequent to the time that you began your experiments in May last?—I think only one out of the hundreds of thousands of firkins which passed through the Cork Market. In that case there was a fine of 1*s.* inflicted; there was only 19 per cent. of water in it according to the analysis.

2487. Are you able to give the Committee any statistics to show that the vast majority of butter going into Cork contains only 12 or 15 per cent. of water; I think that is what you stated?—No, because I said that all our time is occupied in looking for fraudulent cases.

2488. Do not you think that, with a view of establishing the reputation of Cork butter, it would be well for the Cork butter trustees if they did keep a record of those cases to prove that Cork butter contains a small percentage of water?—It would be very desirable; but it would be a gigantic work. Hundreds of thousands of firkins pass through our market.

2489. But there would be no difficulty, would there, when you test these cases in keeping a record of them?—That is a good suggestion.

2490. Are you in favour of hand separators?—Yes, I think so.

2491. Would you be in favour of the Irish Board of Works advancing money to farmers for the purpose of purchasing separators, as they do now for the purpose of erecting hay barns?—Yes, I would.

Mr. *Kennedy.*

2492. I think you said that you do not brand any butter which has more than 18 per cent. of water?—Yes.

2493. Is every firkin branded; I should say is every firkin examined?—Every firkin is examined that is intended to be branded; but I have said already that we have an open division in our market, known as the the open market, where butter is sold without going through the hands of our inspectors.

2494. But every firkin sold at your stand is examined?—Yes, and classified.

Mr. *Kennedy*—continued.

2495. Therefore it would not be possible for a farmer to take home his firkin, and send it back again on the chance of its passing through after it had been already rejected. Do you put any brand on it to show that it has been rejected?—No, we do not; we have not the power to put it on.

2496. What was the number of samples out of the 3,475 you mentioned that you had had analysed, that had between 18 and 21 per cent. of water?—Forty-four.

2497. I think you mentioned one case where well-made butter had 18½ per cent. of water?—Over 18 per cent.

2498. What was the other case of a higher percentage still that you were about to mention?—I was speaking about a case, the only one case that occurred last year, where there was butter coming into the market that was not fit to go into any market; it was a case of what is technically known as a failure; that is to say, half the firkin contained butter with a very low percentage of water in it, about 14 per cent., and the other half was filled up with butter not properly made at all, and that contained a high percentage; but it was obvious to us that no fraud was intended as there was only 14 per cent. in the lower half of the firkin, and the other half was a manifest failure.

2499. How do you account for that?—I imagine that it was due to the high temperature or something of that kind, some failure. In fact that was not butter at all, you may say; it was butter that failed to be made.

2500. Can you tell the amount of water shown by the 200 analyses that have been already analysed by the Munster Dairy School?—No, I read over their records, but I did not take any notes of them, owing to their not being complete.

2501. Have you found variations in the analyses in the best dairies coming into your market at any time?—We have not analysed systematically for that purpose. Our object has been to protect our brands; that is the object of our testing-machine, to protect the customers who buy our brands.

2502. Did you have any cases during the summers of 1893 and 1894 where, owing to the excess of moisture, the brand of the market was refused to what would have been looked upon as the best dairy butters coming to your market?—I have no record of that, but I do not think so.

2503. You do not know of any such case; owing to the excess of moisture through no fault of the butter makers?—No, we have no record of that.

2504. Did you hear Mr. Gibson's evidence on the point of the public being good judges of butter being able to discern for themselves?—I do not think I was in the room when he said it, but I heard that he said so.

2505. Was he referring, do you think, to the fact that when they got Irish salt butter at 3*d.* a pound less than the other they thought that they got more value for their money, and so were not prejudiced by the lower price?—It is hard to say what he had in his mind.

2506. Now, about margarine, what do you consider would be the best and simplest plan to prevent

Mr. *Kennedy*—continued.

prevent fraud from the sale of margarine?—There is a plan that the next witness intends to give you in detail, which I have great belief in, but I would rather that he should speak for it himself.

2507. You might answer this one question: Would you say that margarine should be sold in its original colour?—Yes, I have said that already, but I said also that I had no particular bias in favour of that system if some other recommendation can be made which will prevent the fraud. But I am certain that something must be done.

2508. What, in your opinion, is the reason why the sellers of margarine wish it to be coloured?—Naturally, it being a butter substitute, they want it to imitate butter, and undoubtedly the colouring of it like butter facilitates fraud.

Mr. Alderman Henry Dale, called in; and Examined.

Chairman.

2509. I think you represent the Cork Butter Exporters' Association?—Yes.

2510. And you are Managing Director of the firm of Richard Clear & Co., Limited, Cork?—Yes.

2511. And you have had over 35 years' experience of the Irish butter trade?—Yes.

2512. And you were one of the original trustees of the Cork Butter Market?—Yes.

2513. And you have only recently resigned that office?—Yes.

2514. Before 1884 you were, for many years, a member of the governing body of the market called "The Committee of Merchants"?—Yes.

2515. You are a shipper of butter of all descriptions, dairy butter, creamery butter, and factory butter?—Yes.

2516. You have been working a factory for about 18 years?—Yes.

2517. Where you pack it in tins for export and ships' stores?—Yes.

2518. And you also pack butter in packages of all descriptions to suit various markets?—Yes.

2519. Do you have this butter direct from the farmers?—Yes.

2520. Unsalted?—Yes.

2521. And you salt it in your factory?—Yes.

2522. You pickle it, in fact?—We salt it to meet the various markets.

2523. Do you do that with dry salt or hot brine?—Dry salt.

2524. Not with brine?—No.

2525. You believe that dry salt is sufficient to preserve it?—I do.

2526. What advantage has that over the brine process?—It has the advantage that it is not likely to result in the addition of water to the butter; not so likely as brine, especially if used warm or hot.

2527. And you think it is equally good as a preservative?—I think it is.

2528. Do you use any other preservative besides salt?—We do.

2529. What do you use?—A mixture of different ingredients that are used by a great many people to add to the preservative qualities of the salt, and to keep the butter for a longer time.

2530. Have you any objection to state the method which you use for preserving butter?—We add a very small percentage of it with the salt.

2531. Of what?—Of this preservative.

Chairman—continued.

2532. Will you tell us the name of that?—Preservitas is the name of it; we are not the manufacturers of it.

2533. It is a manufactured product, sold to you for the purpose of mixing with butter in order to make it keep?—Yes.

2534. Have you ever had any experience of using boric or boracic acid?—Yes, I have tried all those things, at least as many as came under my observation, for a great many years.

2535. But you have fallen back upon this article of commerce called Preservitas?—Yes.

2536. And you use that with the butter?—Yes.

2537. Can you give the Committee any information as to the constituents of the Preservitas?—Not from positive knowledge; but I believe boracic acid, and borax, and some other things, enter into its composition.

2538. Now, you believe there is an adulteration of butter going on at the present time to a large extent?—Yes.

2539. And that water is one of the adulterants?—Yes.

2540. And you would punish people for adding water fraudulently to butter?—Certainly.

2541. And you would regard a high percentage of water, say over 20 or 21 per cent., as an indication of fraud?—Yes, as a strong indication of it.

2542. But you cannot suggest any standard for water in Irish butter?—I place Irish butter on the same platform as any other butter. I think that the evidence gained by experience extending over a long time, and over a very large extent of district, leads to the belief that it is very difficult to fix an absolute standard. I have got some particulars of analyses here that I will mention presently, with your permission.

2543. But those analyses of yours would go to show that it is difficult at the present time to fix any standard?—I think so, owing to the variation that exists in the percentage of water in butters which are ascertained or believed to be made honestly.

2544. Will you give us some examples of that?—The first example that I have here (I do not know whether it has been brought under the notice of the Committee before) is in a return made to the House of Commons in 1876; it is a copy of a report made to the Board of Inland Revenue by the Principal of the Chemical Laboratory at Somerset House on experiments conducted by him for the analysis of butter. I have

Chairman—continued.

I have got here the details of those experiments, and I have made a short abstract of them.

2545. Will you give us the abstract?—This butter was taken from various places in England and Ireland. In July 1875, there were six samples taken in Surrey. Before reading this I may say that the report states: "In short, the samples may be taken to fairly represent the various qualities of butter as made and brought to market by farmers both in England and Ireland. Every care was exercised by the board's local officers in procuring them, and there can be no question whatever as to their being genuine." In July 1875, there were six samples taken in Surrey; the lowest percentage of water was 4·15, and the highest was 15·50. There was one sample of Irish salt butter taken in the same month, the percentage of water in which was 11·67. Then in September there were six samples taken in Galway, in which the lowest percentage of water was 4·91 and the highest 14·04. In Devonshire there was one sample taken with a percentage of 13·22. In Cornwall in one sample the percentage was 16·99. In Cumberland six samples were taken, and the percentage of the lowest was 8·18, while that of the highest was 12·96. In Dorsetshire there were six samples; the lowest percentage was 13·24, and the highest was 18·37. This goes on from July 1875 to May 1876; in all there were 116 samples taken.

2546. Have you any more recent figures than those; those are 20 years old?—Yes. I need not trouble you with reading them all, but the lowest of the 116 samples analysed by Somerset House was from Surrey, which was 4·15, and the second lowest was from Galway, which was 4·91, while the highest was from Suffolk, and was 20·75 per cent. There were some others over 18 per cent., and some others over 19 per cent. That abstract I will hand in, with your permission, as part of my evidence.

2547. Have you any other figures of that kind that you can produce?—Yes; I have here a copy that our county analyst made for me, of a report made by him to the County Grand Jury of Cork, of samples bought and analysed from 3rd April 1894 to the 28th March 1895. I have all the details of the various analyses here, which I will hand in, but I have just made a short abstract of it. These samples were taken by the police acting as inspectors under the Sale of Food and Drugs Act, and taken presumably in cases where they had reason to suspect adulteration. I find that of the 81 samples 51 had under 16 per cent. of water; 13 had between 16 and 18 per cent. of water; eight had between 18 and 20 per cent. of water; six had between 20 and 21 per cent. of water; two had between 21 and 22 per cent.; and one over 22 per cent. Then I have also got from our county analyst some particulars of some of the analyses which the previous witness, Mr. Dunn, referred to as being made by the committee of the Munster Dairy and Agricultural School?—A number of samples were submitted to him for analysis, and I brought this simply as showing the variation that occurs in butter made by makers of repute.

Chairman—continued.

These are all selected makers. I find, in the case of the first maker whose butter he analysed, that the lowest point was 13·4 per cent. of water.

2548. Can you tell us the date of the analysis?—Yes, that was on the 16th of March 1895. The highest percentage of the same maker was on the 1st of October 1894, when the percentage was 17·65, a variation of over 4½ per cent. Then in the case of the next maker: the lowest percentage of water shown was in January of this year, 12·87 per cent.; and the highest percentage shown was in October of last year, 20·30 per cent.; and that made by a maker who was selected as being a maker of good repute. On the 1st of October the percentage of water in the butter of the same maker was 13·10, showing that there was a variation of over seven per cent. of water within three weeks in butter made by the same person, and presumably under the same conditions. Then I have a number of analyses of butter taken from a dairy factory, taken by the same people and for the same purpose, and I find that the lowest percentage of water that that gives is 13·17, and the highest 17·08 per cent.

2549. Then there is a smaller limit of variation in the factory butter than there is in the other butter?—Yes, there is a less limit.

2550. Is that consonant with your general experience?—I think that would be so; because a factory, of course, has somewhat better appliances than even the best makers.

2551. The process of making is more uniform?—Somewhat more uniform.

2552. Have you any other analyses that you would like to submit to the Committee?—I do not think there are any others that I need trouble you with. The reason I brought those was that I wished to show from the results of those analyses that Irish butter does not compare unfavourably with English; for instance, as regards the quantity of water that it contains.

2553. And also that there may be a considerable variation in the butter of honest makers?—Precisely.

2554. Due to, probably, some difficulty in getting rid of the water in consequence of defective appliances?—Yes, or possibly owing to variations in the weather.

2555. Do you think that hot weather has as much to do with it as previous witnesses have stated?—I do not know exactly what previous witnesses have said, but I know it has a good deal to do with it.

2556. But in your figures that you gave us the month of October seems to be the most watery month?—That does not appear to bear out anything about the weather in that particular case; but, as a matter of fact, I have always heard it stated by farmers and butter makers that it was more difficult to get out the water in hot weather, and that has been the experience I have gained from observing the work in my own factory.

2557. Are you acquainted with the apparatus used at Cork for testing the amount of water in butter?—Yes, I am.

2558. And have you the same confidence as the

Chairman—continued.

the previous witness has in the accuracy of that instrument?—I think it goes very nearly to being an accurate test; of course not so accurate as analysis.

2559. But sufficiently near for practical purposes?—Yes.

2560. And that, together with the power of observation of expert testers and inspectors, is sufficient, you think, to enable the Committee to arrive at just decisions?—Yes, I believe it is; and I believe the result will be that Cork-branded butter will in future be very much more free from anything like excessive quantities of water than it has been, possibly, in the past.

2561. Do you think there is any way of detecting whether water has been fraudulently added, or is due to accident in the manufacture?—I believe that an expert who has had a great deal of experience can form a very good judgment on the subject; while, of course, it would not be an accurate or absolute test.

2562. It would not be sufficient to give a conviction upon?—I think not.

2563. Do you not object to margarine as an article of commerce?—I do not.

2564. Do you think it is a very proper thing to sell as an article of food?—Certainly.

2565. But do you object to its being passed off fraudulently as butter?—Yes.

2566. Is that because you think it inflicts a serious injury on the butter producers?—I believe it inflicts very serious injury on the butter producers, the landowners, and in fact the agricultural community generally.

2567. Does it inflict any injury on the trader?—Certainly, it injures those who endeavour to trade honestly, while it enriches those who act dishonestly in selling it for that which it is not.

2568. If the public buy margarine as margarine you think there is no injury done to them?—Certainly not.

2569. Only when it is fraudulently passed to them as butter?—Yes; it also injures the public in that case, because they pay an excessive price and get an article other than what they suppose they are buying.

2570. Do you think that the means taken for detecting this fraud are inadequate?—Yes; I think so.

2571. Can you suggest any other means?—I would certainly be in favour of the prohibition of the mixture of butter with margarine beyond the margin necessary in churning it, which is about 6 per cent. My opinion is that if the public want to buy margarine, they should get margarine when they buy it. But the mixing has been proved to give such facilities for fraud, that failing any other means that could be found to prevent this fraud, I would be in favour of preventing mixtures.

2572. Absolutely?—Absolutely.

2573. Except to the amount of about 6 per cent.?—Yes, that is taken up from the milk in churning.

2574. Would you have margarine packed in special packages?—I would.

2575. Of special shapes?—Yes. I think that would be a very fair and useful regulation.

Chairman—continued.

2576. And would you have it labelled?—I would have it branded.

2577. Branded indelibly?—I would say that all packages should be so branded that the brand could not be removed. I would be against labels such as are put now on baskets or other packages, because they can easily be removed. I would also be in favour of the licensing of all manufacturers of and dealers in margarine.

2578. And the exhibition of a sign indicating that they were licensed?—Yes.

2579. You would not require margarine and butter to be sold in separate shops?—No, I do not think that is necessary.

2580. Nor from separate counters?—Nor do I think separate counters necessary.

2581. But you would simply have a declaration that the person was licensed to deal in margarine?—Yes.

2582. And you think that that, together with a legislative enactment that there should be no mixture beyond the amount which you specify, would be sufficient to protect the public and the honest dealers?—Combined with other measures taken for their protection, I think it would.

2583. Would you make any severer penalties for fraudulent mixtures or adulterations of butter?—I would certainly be in favour of the imposition of at least the penalties mentioned in the Margarine Act.

2584. Would you have any higher penalties?—And imprisonment in case of repeated offences.

2585. After a third offence?—Yes, after a third offence I think the punishment ought to be imprisonment.

2586. Would you give also enlarged powers to officials and inspectors?—I would give them enlarged powers and increase their duties in the matter, because it appears at present that the powers that are possessed by Government officials are not exercised.

2587. Then you would have those inspectors not only to examine imported articles at the port of entry, but to inspect factories?—Factories, warehouses, shops, and also hotels and restaurants.

2588. In order to detect any article being sold as butter which was a fraudulent mixture?—Yes.

2589. Would you have all the margarine factories under inspection?—I would. I think factories ought to be under very constant inspection, both margarine factories and butter factories.

2590. Would you stop butter and margarine being made in the same factory?—I would.

2591. Do you not think that all these interferences with the margarine manufacturers, butter producers, and retail traders, and importers would be very vexatious?—I do not think they would be vexatious to anyone who was acting honestly.

2592. Do you not think that they would tend to interfere with trade?—I think they would tend to interfere with fraudulent trade, but not with honest trade.

2593. Do you think that the tendency of that kind of inspection would be to favour the home producers of genuine butter?—I feel sure it would.

2594. Would

Chairman—continued.

2594. Would it raise the price of butter?—It would raise the price of genuine butter, probably.

2595. By diminishing the facilities for competition?—By diminishing the facilities for passing off as butter what is not butter.

2596. And would the general tendency of that be to raise the price of food to the poorer classes?—I do not think it would; I think it would rather have an opposite tendency, because the poor would buy the margarine at its proper value, which is in itself a wholesome food.

2597. And you think it would lead, probably, to a greater consumption of margarine by the poor?—I should think it probably would have that effect if they got it much cheaper, which I believe they could.

2598. Now, you would have all margarine that is sold in the markets in this country mixed with a certain substance that would enable it to be easily detected?—I would.

2599. What is your ground for that suggestion?—I make that recommendation, if you will permit me to say so, on a suggestion that was made to me by our county analyst, Mr. D. J. O'Mahony, who, as the last witness told you, is also the analyst of the Cork Butter Market. In getting some of these statistics from him he suggested to me, the other day, that if some substance could be introduced into margarine, in its manufacture, that would be easily and certainly detected, it would tend very much to prevent its fraudulent sale as butter. I asked him what substance he would suggest, and he informed me that it was common starch. I told him that before I mentioned it to you I would like personally to have some test of it, and he kindly gave me a few hours the other day to make tests, and I have here his recital of the result of our tests. He stated to me, as the reasons why he would suggest starch (potato starch for choice), (1) That it can be mixed in the process of manufacture as easily as salt or butter-colouring; (2) That it is tasteless, and practically insoluble in cold water, and cannot be easily washed out from the fat when once it has been thoroughly incorporated; (3) That starch does not easily decompose, and resists putrefaction more than curd of butter; (4) That it is cheap, and 1 per cent. of it does not in any way interfere with the margarine; (5) That it is perfectly harmless, and can be digested more readily than the fat of margarine, and (6) That it affords ease and certainty of detection by (a) Chemical means, free iodine striking a blue colour in the presence of $\frac{1}{100}$th of a per cent., and (b) Microscopic tests. Then I have here the notes of experiments made in my presence by Mr. O'Mahony, the county analyst, which I will call A and B. As regards A, we took 49½ grammes of margarine and had mixed with it half a gramme of Silver Spring pure rice starch, dry, unboiled. An intimate mixture was made of this starch; 50 parts of mixture had half a part of starch; that is 1 per cent. mixture. In experiment B we took 49½ grammes of pure butter, and half a gramme of the A mixture was thoroughly incorporated with the butter. The resulting mixture contained 1 per cent. of margarine; that is $\frac{1}{100}$th of a per cent. of starch.

0.73.

Chairman—continued.

The process followed was this: About 1¼ cubic inches of B were placed in a test tube, and placed in hot water until the butter melted; then about a teaspoonful of water (5 cubic centimetres) was added; this latter went to the bottom of the tube; and, next, about two ounces of benzoline or light petroleum was added to get the curd to part from the fat. Then the mixture was shaken up, and allowed to stand for three or four minutes in the hot water. At the end of that time all the starch had gone down from the fat and curd into the water at the bottom of the tube. A pipette was passed down through the oily layer to the bottom of the tube, and three or four cubic centimetres of the watery fluid were sucked up and put into a test tube and boiled to burst the starch granules. The fluid was then cooled, and, when cold, a few drops of a weak solution of iodine were added, when a deep blue colour was struck, proving the presence of starch. Next, a fresh quantity of the watery fluid from the bottom of the test tube containing the oily fluid was taken and put on a microscope slide and looked at under a one-fifth object glass, and the characteristic granules were noted. Mr. O'Mahony certifies the above experiments.

2600. And you propose that all margarine should be mixed with a certain quantity of starch in order that the presence of that substance incorporated with the margarine should be a means of detecting margarine?—Yes; that seems to be a practical thing, and a very likely thing to lead to the certain detection of margarine if there are no objections, which I am not aware of, to it.

2601. And do you think that would be better than colouring margarine red or green?—If that were done, I think the other would be of less importance.

2602. But that would require the consent of other nations, would it not?—No doubt.

2603. And seeing that we receive such large quantities of margarine from different countries it would require the universal sanction of the civilised world for adding starch to the manufacture of margarine in the way you propose, would it not?—Yes; but that does not extend very far, as to where we get our margarine from; and other Governments have already taken more stringent steps to preserve the purity of their butters than we have taken in this country.

Colonel *Bagot.*

2604. I want to ask you, with reference to this suggestion of mixing starch with margarine, would you at the same time prohibit any colouring matter in the margarine; at present margarine is coloured the same as butter very often, is it not?—Yes.

2605. Would you suggest that that colouring should be prohibited, and that margarine must be sold in its natural state?—If this starch test were approved and carried out, unless there is anything in the colouring to interfere with the discovery of that test, it seems to me to do away with the necessity of any further proposals.

2606. Do you not think that the colouring of margarine has the effect of making it look like butter?—It certainly has.

2607. And the public buys it as butter?—Yes.

 2608. Or

Colonel *Bagot*—continued.

2608. Or, at any rate, if they do not buy it as butter, they use it in restaurants and hotels as butter?—Yes.

2609. Do you not think it would be advisable to prohibit the colouring of margarine altogether?—If I spoke simply in the interests of butter I should say, Yes; but, like the last witness, I rather hesitate to go that length if some other means can be found, because it would undoubtedly have the effect of making it distasteful.

2610. For what reason is margarine ever coloured to look like butter?—Undoubtedly, with the intention of passing it off as butter at present.

2611. Do you not think it would be advisable to prohibit any colouring of margarine?—I think that would have the effect of preventing the fraudulent sale of it certainly, at least to a very large extent.

2612. Then you would be in favour of prohibiting its being coloured to look like butter?—Under certain conditions, I would.

2613. You said that the powers possessed by Government officials were not exercised at the present moment. In what respect do you mean? What powers do they possess that they do not habitually exercise?—Taking samples at the port of entry, for instance; that I understand, from report, is not exercised, and, when it is, there is a vexatious condition attached to it, as I understand, with regard to lodging the value of the article, and something of that sort, which makes people very slow to call in the Customs to exercise their powers in that respect.

2614. And you are of opinion, according to what I understood you to say, that if margarine could only be sold as margarine; that is to say, if it was not coloured to look like butter, and had starch in it, the poorer people would, if anything, rather benefit by that, because they would be buying margarine, as such, at its proper value, instead of thinking they were buying butter?—Yes; I think that necessarily would reduce it to its proper value in the retail stage.

2615. And any legislation which enforced the sale of margarine, as such, and prevented its being mixed with butter or fraudulently sold as butter, would, so far from damaging the price of the food of the poorer population, rather benefit it?—I think so.

Sir *Mark Stewart.*

2616. With regard to the colouring of margarine, do you know whether you can colour margarine in the manufacture without putting any colouring matter into it?—If the milk used was milk that would naturally throw a high colour it would certainly impart a good deal of its colour to the margarine.

2617. Then if there was a law prohibiting the colouring of margarine, the end would not be accomplished by having margarine not coloured, would it?—Not entirely.

Colonel *Bagot.*

2618. If margarine was sold uncoloured, by using a high-coloured milk it would often look like inferior butter, even when uncoloured; is that what you say?—Yes.

Colonel *Bagot*—continued.

2619. Then, would not the tendency of all butter dealers be to increase the colour of their butter a little bit, so as to protect themselves?—There is great objection to colour in butter in certain districts.

2620. But would not that be altered if the butter dealer had to compete with margarine that might be thought to be butter; would not the tendency be to put a high colour into the butter?—If their customers did not object.

2621. If customers wanted to buy butter would they not be more likely to buy it coloured, because they would be sure that it would not be margarine; would not that be the effect?—It ought to be. The tendency of my evidence is that some means ought to be found, and promptly found, to protect the agricultural interests and the interests of fair trade.

2622. Would not those agricultural people interested in selling pure butter at once begin to colour their butter more highly to prevent its looking like margarine?—They would, provided the consumers did not object; but, as I say, there is a great prejudice against highly-coloured butter in certain districts, in the North of England particularly.

Sir *Mark Stewart.*

2623. My point was this: In the event of Parliament electing that margarine was not to be coloured, could not that be got over by the manufacturer putting more cream into the margarine when it was being manufactured, so that that would give it the colour which the Act of Parliament wished to prevent?—It could be got over to a certain extent in that way, I believe; not entirely.

2624. It would be very little use then enacting that margarine ought not to be coloured, would it not?—Yes, because you could not prevent the margarine manufacturers from using a high-coloured milk if they wished to do so, I take it.

2625. Is margarine, so far as you know, an increasing product?—I have no personal knowledge, except from reading statistics.

2626. But, at all events, the price of butter is coming down very much, is it not?—Very much.

2627. And that, practically, prevents the consumption of margarine to the same extent as used to be the case?—Yes, I should say so.

2628. Therefore margarine, according to that, is not an increasing trade?—I believe not; that is to say, not as margarine.

Mr. *Colman.*

2629. Have you any objection to tell us the per centage of preserving material that is used in the preparation of butter, that you referred to?—I generally use 1 per cent.

2630. And where brine is used, what per centage is used, say in hot brine, of which we have heard before?—I cannot speak from personal knowledge of that.

2631. Do you think that the use of the preserving material to which you refer is more common with you than the use of brine?—Certainly.

2632. In

Mr. *Colman*—continued.

2632. In your market I mean, in your district?—I should say so.

2633. I ask the question, because we have not hitherto, I think in this Committee heard anything of preserving material other than brine?—Some people have a notion, I think, that it is not a good thing to use; but my experience from the use of it, and having it analysed repeatedly is, that there are plenty of preservatives, including the one I use myself, that are absolutely harmless, and that have a preserving effect on the butter. I believe that their use is very common, not alone in this country, but in all foreign butters nearly, or in most foreign butters.

2634. I think we have been told that if butter is intended to be kept for any length of time it is absolutely necessary to use brine, or some preserving material; is that your opinion?—It is absolutely necessary generally.

2635. And you say that with you it is more common to use that preservative than hot brine?—Yes.

2636. On the question of the paper in which margarine should be wrapped, you think it should not be sold without a paper of a particular kind round it?—I think so.

2637. Would you have any objection to compelling butter to be wrapped up in a paper to show that it is butter?—I do not for the moment see any objection to that.

2638. And then that those wrappers should go, when the inspector has taken the sample, to the analyst, so as to show what the stuff has been sold as, whether as margarine or butter?—I should think that would be very proper. I may say on the question of the papers that I think the printing of the margarine wrappers should be done in some more striking way than it is at present. I do not think it is incumbent on sellers of margarine at present to use any particular kind of ink in the colour, in the printing. I have seen wrappers printed in very pale ink, the printing of which was almost indiscernible, especially at night. I would suggest that if wrappers are used, the printing ought to be in black letters, say, on a white ground.

2639. And you see no objection to enacting that that wrapper should go to the analyst with the sample?—I see no objection to that.

2640. I understand you to say that margarine and butter should not be made in the same factory?—Yes, that is my opinion.

2641. Are they made in the same factory now in any number of instances?—I know of, at least, one or two instances where they are.

2642. You know of factories in which they make both margarine and butter?—Yes, and send them both out from the same factory.

2643. Now, touching this question of the compulsory use of starch in a mixture of margarine, has it ever been tried experimentally?—Experimentally; I have read the result of the trial made by the Cork County analyst when I was present.

2644. He had mixed starch with it in order to try the effect?—Yes.

2645. Was it rice starch or potato starch?—It was rice starch that he tried that day, but he thought that the other would be better for some reason. He mixed one per cent. of it in the margarine, and then one per cent. of the margarine in the butter, and he immediately detected what was practically one in 10,000.

2646. Have you any idea how long that mixture was kept?—We did it all within a few hours.

2647. Have you any idea whether starch being mixed with it would affect margarine if it were kept some months?—I asked Mr. O'Mahony that question, and he said it would not, because until the granules of the starch become broken it retains its individual character, and those granules only became broken when it is boiled.

Mr. *Whiteley.*

2648. I understand that you would prohibit entirely the mixing of margarine with butter?—I would, unless some equally efficacious mode of preventing fraud could be discovered.

2649. I suppose, as a matter of fact, that almost all the poor people buy mixtures?—I believe they do.

2650. Then every poor person who buys or wants a mixture, you would oblige to purchase the two articles and make his own mixture?—If he required the mixture I think it could be done in that way.

2651. Do you know of any other commodities in which people are obliged to buy two separate articles in order to make a mixture?—I do not remember at the moment; but there are several articles of food that require to be mixed.

2652. Would you prevent the mixing of coffee and chicory, and different blends of tea?—To produce tea as we consume it, of course they have to make a mixture of tea and some other ingredients.

2653. As a matter of fact in the interests of the producers of butter you would impose on the public generally this additional trouble which undoubtedly would be vexatious?—I do not take that view of it; I think it would be rather gratifying to them, inasmuch as they would buy it at a much cheaper rate.

2654. Why would they buy it at a cheaper rate?—Because the margarine would then be sold at its commercial value, brought to that by the competition that exists.

2655. Is not the price of margarine generally, like other commodities, affected by competition?—It is when it is sold as margarine; but when it is sold as butter the purchaser has no opportunity of knowing what he is buying.

2656. As a matter of fact if you have 100 shops in a town all selling margarine, is not the price of that margarine practically fixed by the fact in addition to its quality that there is so much competition in its sale?—The price of margarine as such is so fixed, but not the price of mixtures.

2657. I mean the price of mixtures?—No, I do not think so; because they vary so much in their composition, there may be a mixture of 15 per cent., or of 50 per cent., and the purchaser has no means of knowing the amount of butter that exists in that mixture, even if he buys it as a mixture.

2658. Do you mean to tell me that the purchaser

Mr. *Whiteley*—continued.

chaser cannot tell whether there is 20, or 40, or 60 per cent. of margarine in a mixture?—Certainly not; it would take a very keen expert indeed to form a fair opinion on the subject.

2659. With regard to the addition of starch to margarine, you would suggest that in order to discover when margarine was mixed with butter?—Yes.

2660. Is it not possible to do so by ordinary analysis?—Chemists state that they cannot detect anything under 10 or 15 per cent. at present with certainty.

2661. As a matter of fact are you aware that 5 per cent. is the figure below which it is said that analysts cannot discover it?—I am aware that one chemist so stated; but I am also aware that the majority of chemists do not agree with that; 10 to 15 per cent. is what they state.

2662. You would prohibit the colouring of margarine, would you?—Yes, failing any other means of preventing the mixture for the purpose of selling it as butter.

2663. You do not propose that to colour butter should be prohibited, or that starch should be mixed with butter?—No, because that would nullify the intention of preventing fraud.

2664. Your only care is for butter, and you are somewhat callous as to what would happen to margarine, in fact?—My care is at present, if possible, to promote honest manufacture and honest dealing.

2665. As a matter of fact do not you think that the law at present is quite strong enough to deal with the question if it were enforced?—I do not; I do not think it is quite strong enough. The machinery provided for enforcing it is certainly very insufficient at present.

2666. You are aware what is the maximum fine imposed?—£100.

2667. Do you know any case in which that has been imposed?—No, I do not.

2668. Therefore the full strength of the law has never been utilized?—No, and I believe that if it were utilized it would not diminish the amount of fraud.

2669. Then you do not agree that the fine should be raised to 500*l.* as the maximum penalty?—I prefer imprisonment.

2670. Even to an increase of fines?—Yes, I believe it would have a more deterrent effect.

2671. You speak chiefly on behalf of the butter producers?—I speak as a butter merchant and as interested also somewhat in the producers.

2672. And you are somewhat callous as to the interests of the consumers generally?—No, I speak also in the interests of the consumers.

2673. Do you think the consumer would not be able to look after himself?—I am perfectly sure he would not, or else we should not have so much legislation to protect his interests.

2674. With regard to making mixtures are you aware that public bodies, for instance the London County Council and others, ask for tenders for mixtures?—Yes.

2675. You would entirely prevent their acting in that manner, would you?—If the mixture cannot be sold of course they should get something else, or make a mixture wherever they want it.

Mr. *Whiteley*—continued.

2676. Every man his own mixer is your theory?—I think, then, that every man who wanted a cheap article would buy margarine, while those who could afford to pay a little more would buy butter.

2677. You think that the public who want mixtures, and are aware that there are such articles, and prefer to buy them at a cheaper price than butter, should be prohibited from following that course simply in order to raise the price of butter?—I think that the effect is to encourage fraud, and to injure honest traders and honest producers; I am of opinion that the mixture should be prohibited even though it may press a little on certain individuals. I think whatever is for the benefit of the greatest number and the largest portion of the community ought to be done.

2678. Then do you think any member of the public is imposed on when he asks for a mixture and obtains it?—I do not; but I think that when he asks for butter and obtains mixture he is imposed on.

Mr. *Kilbride.*

2679. Do you think that the public, as a rule, when they get mixtures get mixtures because they ask for mixtures?—I feel sure they do not.

2680. Is it your opinion that very few people go into shops for the purpose of buying mixtures?—I believe the number is very small from what I have been told.

2681. And, so far as you know, would you be inclined to say that the quantity of mixture sold exceeds, perhaps, by 100 per cent. the quantity applied for by the customers?—I should say so.

2682. I think you stated that if the colouring of margarine was prohibited by law, the use of milk, which would naturally throw a high colour, would then be used by margarine manufacturers, which would give the margarine a certain butter tint?—I think that would follow.

2683. Are you aware that colour plates have been put in here in evidence, as used in Denmark, for the purpose of detecting fraud?—I am not aware that they were put in here, but I knew there were such things used in Denmark.

2684. Do you think that it would be possible, even by using the milk of Jersey cows, for any margarine manufacturer to be able to produce a margarine resembling a fairly coloured butter; I will not say a high coloured butter, but a medium-coloured butter?—I have not sufficient personal knowledge to speak with certainty, but I am sure it would produce something much higher than white.

2685. Are you not aware that white is not the natural colour of margarine?—Some margarine is white, I believe.

2686. Pure white?—Yes; but some of it is of a good deal higher colour, such as the sample that was produced here.

2687. Do not you think that the law, as was suggested to you here, would be defeated on the question of colour if margarine manufacturers used the class of milk that I speak of; do not you think that the adoption in an Act of Parliament of the Danish system of grade colour would cope with that difficulty?—Yes, if it were enforced.

2688. And

Mr. *Kilbride*—continued.

2688. And prevent the margarine manufacturers from defeating the Act of Parliament?—Yes, if it was used properly.

2689. Why could it not be enforced here as well as in Denmark?—I fear that we do not enforce things here as strictly as they do in Denmark.

2690. That label has been handed in here in evidence (*pointing to a label*); you said that labels ought to be in black letters on white ground; would you be in favour of a label something similar to that?—So far as colour is concerned, I think that would do very well; it could scarcely be overlooked.

2691. Do you think it is large enough and sufficient for all purposes?—It has been suggested, I know, that there should be nothing on it but the word "margarine," and the name of the seller if he wished it.

2692. Can you explain to me how the addition of starch to margarine in manufacture would safeguard the public against fraud?—If the manufactories of margarine were constantly inspected, as I think they ought to be, and samples taken in the process of manufacture before it leaves their places, it would be detected then whether they had introduced this small quantity of starch, and if they had not they should be liable to a penalty. In the same way if the foreign governments co-operated in compelling their manufacturers to use it, we could have samples taken at the port of entry, and if they were found not to answer to the test the importations should be refused admittance, or be subject to confiscation, or whatever steps were decided upon.

2693. Supposing that your suggestion were complied with, if you still permitted the margarine manufacturer to colour his margarine so as to represent butter, and if the customer went in to the shop where margarine and butter of equal shape and quantity were standing side by side on the counter, surely the admixture of starch would not be any safeguard to that customer?— It would not be any safeguard to the customer; but if the inspectors went in constantly and took samples, as I think they ought to do, from all sellers of butter and margarine, that would afford an infallible means, as I understand, of detecting fraud.

2694. Have you any suggestion to make to the Committee as to how the inspectors could be stirred up to be more active in the enforcement of the law than they are at present?—I would suggest that there should be a much larger number of inspectors, and that they should be under better supervision and entitled to employ agents, who would not be known to be inspectors or suspected of it, to take samples for them.

2695. You would not suggest that they should be under a Government department directly instead of under local bodies, would you?—I have not considered that matter.

2696. Would you suggest that local bodies are open to certain influences?—I think they are.

2697. Therefore in certain parts of the country they would not be so active in insisting on their inspectors putting the Sale of Food and Drugs Act into operation or the Margarine Act?—I think that is so. I think that local bodies every-

Mr. *Kilbride*—continued.

where are subject to local influences, and if the local body contains a number of tradesmen interested in the sale of margarine very naturally they would not be so active in endeavouring to put it down as a body with no such interest.

2698. I believe you said that you used dry salt for preserving butter?—Yes.

2699. By itself?—For a certain time.

2700. What percentage of dry salt will preserve butter for three months without any other preservative?—In good, well-made butter I should say five per cent. of dry salt ought to keep it for three months, under favourable conditions.

2701. What percentage of salt do you use in connection with this one per cent. of preservitas, for I suppose you make your butter to keep for different lengths of time?—It varies according to the market that the butter is going to, from one up to five or six per cent.

2702. And, I suppose, according to the time that you want the butter to be kept?—Yes.

2703. Do you believe that the use of hot brine is an adulteration?—I think it is; it certainly runs the risk of being an adulteration. It may possibly, at times, not have that effect, but it is very liable to leave moisture in the butter.

2704. Would you advise the use by farmers of one per cent. of preservitas with, say, one to five per cent. of dry salt?—I would.

2705. Do you think that the trustees of the Cork butter market who take such great interest in inducing farmers to produce the very best article ought to put up a notice to the farmers, or send notice to the customers pointing out how butter can be effectively preserved without the use of hot brine?—If they were again considering the instructions to be issued it is a matter which they might very well consider. I would not like to say off-hand what they ought to do.

2706. Do you think that that is a suggestion that is worthy of consideration?—I think so.

2707. In the case of those selected dairies that you handed in, where the percentage of water varied so much, were samples taken from some dairies in the months of June, July, and August?—Yes.

2708. And did you find that the temperature affected to any considerable extent the quantity of water in the butter?—These particular samples did not show that.

2709. Because I remember you instanced one case in March and October; in that particular dairy did you take any samples in June, July, or August?—Yes; and, as I say, they did not show any trace of being influenced by the weather.

2710. Is it your opinion that temperature has anything to do with it?—Yes, certainly; very hot weather influences it very considerably, as a rule.

Mr. *Kennedy.*

2711. Does butter made in Ulster keep as well as the butter made in the South of Ireland?—I am unable to answer that.

2712. You do not know anything of the North of Ireland butter-making?—I have not sufficient knowledge of it to enable me to say.

2713. Are you aware that there is nothing but

Mr. *Kennedy*—continued.

dry salt used in the North of Ireland?—I am not aware of that.

2714. In the South of Ireland has it not been the general belief as long as you remember, that pickle is necessary for preparing the butter to keep, say, from three to four months?—I have often heard it so stated.

2715. You do not believe that?—Pickle, of course, is produced by dry salt coming in contact with moisture, and there is a moisture in the butter.

2716. But that would not be sufficient to make the brine, would it?—Not what is termed brine.

2717. Would it be sufficient to make enough brine in butter to kill the animal matter in the curd, with the addition of the moisture to be found in butter, without any other matter?—It would be sufficient to keep the butter, I think, if there was a sufficiency of dry salt.

2718. Do you know of any case in which butter is kept from four to six months made with dry salt?—Yes.

2719. How long will factory butter keep?—I have known butter made at my own factory keep good six months.

2720. Is it usually packed in tins and hermetically sealed?—It is packed in all sorts of packages; in tins it would keep 12 months or more; a couple of years in fact.

2721. How long will factory butter packed in firkins for sale in England keep?—It was firkins that I was speaking of now; but as a rule it is not made with the intention of keeping it more than a month or possibly two months.

2722. It is not generally used for trade or for sale in England, to be kept for more than four months, is it, preserved with dry salt?—No, because that trade has very much diminished of late years; but it would be quite as suitable, in my opinion, made in that way as in any other, provided that there was sufficient salt in it. The longer it has to be kept the more salt it needs.

2723. Is there not a demand in the English market for butter that can be laid in store for the autumn?—Yes; there is a certain amount of demand still; but, as I say, it is dying out owing to the constant supplies of continental and colonial butters.

2724. But that demand remains?—Yes, to a certain amount.

2725. If the use of brine was prohibited, would it be possible to have salt butter for sale on the English market which would meet this demand for butter for storage for from four to six months?—That is a question that I could scarcely answer, but so far as the use of brine can make any difference, brine does better than dry salt. I was not aware there was any question of prohibiting it.

Mr. *Kennedy*—continued.

2726. But if the percentage of water allowed in butter is to be kept down, as at present, to 16 per cent., that will practically do away with the use of brine, will it not?—I do not think so; I think those butters, the analyses of which I read out here, especially the butters from those selected dairies, probably were all done with dry salt and some of them contained over 20 per cent. of water.

2727. Is it not as a general rule the case that you have more water in butter made with brine than you have in butter made with dry salt?—I should say that it is.

2728. Therefore you would agree with me that if there is not a larger amount of water allowed in the butter, you cannot have such a supply of salt butter made with brine?—My idea would be that there should be no water allowed in butter except what naturally necessarily belongs to it.

2729. About margarine, you said that you do not agree with the last witness as to a larger fine in place of imprisonment?—No, I think imprisonment would have a more deterrent effect.

2730. Do not you think that a fine of 500*l.* would be practicable?—There are some people to whom a fine of 500*l.* would be a matter of very inconsiderable importance.

2731. Do you think that magistrates would ever enforce a fine of 500*l.*?—I think it would be very hard to get them to do so.

2732. Would you agree with the last witness that magistrates are very reluctant to imprison for such offences?—I should think they would be.

2733. Would they be more reluctant to imprison than to fine 500*l.*, do you think?—It would be very difficult for me to say. Really, personally, if I knew that a man was very well off I would have little hesitation about fining him 500*l.*, where I might have hesitation about imprisoning him.

2734. Are you a magistrate yourself?—Yes.

2735. Then are you in favour, on a third conviction, of giving no option to magistrates to fine, but of making it compulsory upon them to imprison?—Yes, or after the third, possibly on a fourth conviction.

2736. I think you said that you were opposed to the mixing of margarine and butter, even although it should press a little on some people?—Yes.

2737. Do you know of any remedial legislation which has not pressed on some people?—No, I do not believe there is any that does not press on some people.

2738. So that if this reform were carried out it would not be any worse than any other enactment?—I think not.

Mr. WILLIAM O'SULLIVAN, called in; and Examined.

Sir *Mark Stewart.*

2739. YOU have had 20 years' experience in the butter trade, I think?—Yes, over 20 years.

2740. And you have been a trustee of the Cork butter market for the past nine years?—Yes.

2741. And you have had a large experience

Sir *Mark Stewart*—continued.

consequently in butter manufacture?—I have seen a good deal of butter manufactured under all systems. I have sold butter produced in every county in Munster.

2742. The first point I want to ask you a few questions about is with regard to water in butter; would

Sir *Mark Stewart*—continued.

would you be inclined to enter upon a prosecution where a large quantity of water was found in the butter?—I would not recommend a prosecution where there was under 20 per cent. of water, and then I should require expert evidence, in addition to the certificate of the analyst.

2743. Is that in regard to salt butter?—Yes.

2744. And in the fresh butter what would you recommend?—I do not know much about fresh butter.

2745. Then you consider that 20 per cent. would be a fair average to take as a standard of water in butter?—Yes; I would prosecute where there was 20 per cent. or over, and where there was expert evidence, but not under 20 per cent.

2746. In cases of prosecution would you be in favour of expert evidence being given?—In every case.

2747. In addition to the certificate of the analyst?—Yes.

2748. In every case?—In every case. It is quite possible that you may have butter containing over 20 per cent., and without any fraudulent intent on the part of the maker. Mr. Dunn referred to a case in 1894 where half the firkin contained 14 per cent. of moisture, and the other half contained 28 per cent. It was through my firm that the butter passed, and I had the butter tested. All the butter coming from the same maker up to that time was found to be honestly-made butter, containing about 15 per cent., and all the butter made by the same maker since has been honestly-made butter; but the weather was undoubtedly very much against the make of butter when that particular half of the firkin that contained the 28 per cent. was made.

2749. Would it not be very difficult to obtain a verdict on a prosecution if there was a conflict of evidence?—If that particular firkin had been presented for sale in a country market, say in the counties of Clare or Limerick, and a policeman took a sample of it, he would have had no difficulty in getting a conviction. It is in a case of that kind the expert would come in and save the maker from being prosecuted.

2750. But supposing that the sale took place out of the county of Clare at a distance, say in Dublin, what would happen?—There would have been a conviction in any place outside of Cork, where we have experts; in Cork only they are to be found.

2751. You think that expert evidence would save the manufacturer where there was no fraud intended?—Yes; if the expert knew his business he would not think of prosecuting in this particular case.

2752. Could an expert who is an entire stranger to the district and the locality give sufficiently true evidence to save the manufacturer?—An expert, wherever he is, no matter in what district, ought to be able to tell whether water was added or not, whether in England or in Ireland.

2753. Notwithstanding the great variations in the temperature?—He must allow for the temperature; it is the temperature that would lead up to the failure.

Sir *Mark Stewart*—continued.

2754. Then the question of temperature would be one of the points of evidence at the trial?—Yes.

2755. Let me ask you a question now about margarine; do you approve of margarine being coloured?—I object to its being coloured to represent butter.

2756. Are you not aware that margarine in its manufacture can be coloured without any colouring matter being put into it?—Yes, I should say, if the milk used was produced from Jersey cattle.

2757. You cannot speak from experience on that point?—No.

2758. Would it not stop all the sale of margarine if it was uncoloured, or in a great measure do so?—I do not think it would.

2759. Do you consider that margarine is an advantage for the poorer classes of the community?—Yes, if sold as margarine.

2760. And for tradesmen, such as confectioners and bakers?—Yes.

2761. Therefore, you are not in favour of stopping the sale of it?—No, I would not, provided it was sold for what it really represented.

2762. What percentage of butter would you allow to be added to margarine?—Sufficient for churning purposes, which is, I believe, about 6 per cent.

2763. In regard to private prosecutions, how would you allocate the fine; would you make any difference there from what it is now?—In private prosecution I think the prosecutor should receive at least half the fine. I have a case here, that was reported in "The Grocer," which says: "The Sale of Food Act." (I have not the exact date.) "At the Worship Street Police Court, on Saturday, Joseph Parry, provision dealer, of 45, Cambridge-road, Bethnal Green, pleaded 'guilty' to selling as butter an article which was 90 per cent. of foreign fat. Mr. Bushby imposed a fine of 18*l.* and costs, the fine going, under the Adulteration Act, to the informer, in this case the Vestry of Bethnal Green." I think where you have a Pure Butter Association, as you have in London and other districts, half the fine, at least, should go to those prosecuting bodies, and the same also in the case of private consumers. I have reason to know that a large quantity of margarine is being sold in the towns and cities and delivered in vans as butter; it is sold as butter, but it turns out to be largely mixtures. At present there is no provision for an officer stopping the vans or detaining them for the purpose of taking samples; and I would say that every inspector should have the right to stop a van and take a portion of the stuff for analysis, and in the case of a respectable householder believing himself or herself to be defrauded, that if they carried on a successful prosecution, they should be entitled to a large portion of the fine to meet incidental expenses.

2764. Would not that entail a good deal of persecution on the part of persons not directly interested in the matter, but who made themselves busy-bodies, and tried to get up prosecutions in order to obtain the fine?—Mixtures can be sold for about 10*d.* a pound; and I understand that mixtures are largely substituted for

Sir *Mark Stewart*—continued.

butter, and sold at about 1*s.* 4*d.* to 1*s.* 6*d.* a pound.

2765. You do not think that such a recommendation as you suggest would, if carried out, produce a very harassing effect upon the butter trade?—Not in the least. Of course, if a grocer is innocent it will do him no injury whatever if he is selling pure butter.

2766. Have you any view in regard to inspectors; do you believe in the integrity of inspectors, as a rule?—In England, I certainly say there should be a very close inspection at all the ports. The moment a vessel comes into harbour samples should be taken and handed over to the local analyst.

2767. Of course, these samples would be covered by the guarantee of the invoice, would they not?—Independent of the guarantee, I would have the samples taken.

2768. And that is not done at present?—I understand so.

2769. The Act says it shall be lawful, but it does not say that the inspectors are to do it?—Exactly; in fact, I think the Chancellor of the Exchequer, in reply to Mr. O'Brien, said that they could not see their way to having it carried out, or something like that.

2770. The local analysts are the public analysts in Ireland, I presume?—Yes.

2771. Are they paid for every sample that is taken?—I think they are paid a salary to do a certain number of samples; after that they have a fee.

2772. Would you suggest any alteration in that system?—I should not care to suggest anything with regard to that.

2773. In regard to the taking of samples at the Irish factories, would you give further facilities to the inspectors to do that?—Yes.

2774. They do not enter the factories now, I understand?—They do not at present, but there should be permission to examine all the different stuff that is being made up in a factory.

2775. Would you extend that permission to places like hotels?—I think there should be very much increased supervision at hotels.

2776. Would not that be very difficult to carry out?—I think any respectable hotel proprietor ought not to have any objection to show the invoice of his butter when asked to do so.

2777. Would you make it compulsory that he should do so if requested by the inspector?—Yes.

2778. You are of opinion, I understand, that the services of butter experts, specialists, should be available for the inspection of Irish factories; you think that a system of that kind ought to be carried out?—Yes, in Ireland I should say it should be.

2779. Would that require many experts?—About two for the South of Ireland.

2780. Only two for the South of Ireland?—Yes.

2781. In what position would you place them; to assist the public analyst, or to assist the farmers and manufacturers?—They should attend country markets and have samples taken, to see that the butter was all right and free from water.

Sir *Mark Stewart*—continued.

2782. Would you propose that they should be itinerant inspectors?—Yes, for inspection and instruction.

2783. Travelling through the country for the purpose?—Yes.

2784. And visiting from farmhouse to farmhouse?—Visiting towns and villages where they could bring people together and give lectures, and that kind of thing. And then they should look after the factories and creameries in Ireland, to see that margarine was not being mixed with butter.

2785. What would you propose in regard to licensing margarine sellers?—I am of opinion that every dealer in margarine should have a license, and after the third conviction I would be in favour of imprisonment without the option of a fine.

2786. You would not be prepared to substitute a very heavy fine for imprisonment?—No, the fines are right enough; that is, 25*l.* for the first offence, 50*l.* for the second, and 100*l.* for the third.

2787. And after that imprisonment?—And after that imprisonment.

2788. Do you think there would be any reluctance on the part of magistrates to imprison?—I would take the power out of their hands completely, by giving them no alternative but to imprison on the fourth offence.

2789. Then in regard to selling margarine and butter in the same shop, would you enact any provisions as to such sale?—Where there were two counters, I would insist upon margarine being sold from one and butter from the other.

Mr. *Kilbride.*

2790. You would not allow margarine and butter to be sold over the same counter?—Not provided there was a second counter available. If a man had only one counter, it would be very hard to stop him.

2791. Would you not go so far as to compel him to erect a second one; as a matter of fact, there are a great many shops where there are second ones, are there not?—Where they are available, I would have two counters.

2792. Where it was possible you would insist upon having two?—Yes.

2793. I think you told us that you would be in favour of the law being much more drastic with regard to allowing inspectors to go into hotels?—Yes.

2794. Can you give the Committee any evidence at all as to what the American law is in that respect; in some of the American States?—I understand that the American law is very drastic, but I have not got the particulars of it.

2795. Would you be able to get them, and send the information to the Committee?—If I can I will send them in.

Mr. Thomas Clement, called in; and Examined.

Sir *Mark Stewart.*

2796. You are partner in the firm of Andrew Clement and Son, of Glasgow, Manchester, and London?—Yes.

2797. And what is your business?—We are provision merchants and colonial produce importers; we are also distributing agents for the Canadian Government Dairy Department.

2798. And you are in a very large way of business, I think; yours being one of the largest firms, I think, in Scotland?—One of the largest in Great Britain.

2799. You appear to-day as a witness for the Glasgow Wholesale Provision Trade Association?—I do.

2800. Can you speak from a practical point of view on these questions?—Yes, I learnt the practical part of butter and cheese making before learning the commercial part of the business.

2801. And you have visited the United States of America, I think?—Yes, I spent two years there in the practical part of the work.

2802. In addition to butter and cheese, do you also sell margarine?—We do.

2803. And your firm are agents for the United Creameries (Limited) Company?—Yes; we sell the produce of their three factories. At those factories they make butter and cheese, and also oleine cheese and margarine.

2804. Can you name the factories?—Dunragit, Sorby, and Tarff.

2805. In Wigtownshire and the south-west of Scotland?—Yes.

2806. As a firm you have a much greater interest in the sale of pure dairy produce than of substitutes for that produce, have you not?—Yes; I should say that we do from 10 to 15 times as much in pure butter and cheese as we do in substitutes.

2807. Can you say if the trade in margarine is a progressive one, or is it decreasing?—I do not think it is a progressive trade, on the whole. Owing to the increasing supply of pure butter, the demand for margarine mixtures has almost died out; but there is an increasing demand for the cheaper qualities which are sold to the public at 4*d.*, 5*d.*, and 6*d.* per pound; and also there is a rapidly increasing demand from bakers, where it is superseding lard.

2808. Then, at that price of 4*d.*, 5*d.*, and 6*d.* per pound, it could hardly compete with butter, could it?—I do not think that margarine competes with butter at all. Mixtures compete with cheap butter.

2809. But the mixtures would be of even a higher price than 4*d.*, 5*d.*, and 6*d.*, would they not?—Yes, they would.

2810. What price would mixtures run to?—There are very few mixtures over 8*d.* a pound now.

2811. But they did run up to 1*s.*, I suppose, at one time?—Yes, they did run up as high as 1*s.* when butter was dear.

2812. But now the price has fallen, owing to the large importation and manufacture in this country of cheap butter?—Yes.

Sir *Mark Stewart*—continued.

2813. Of pure butter?—Yes.

2814. Do you approve of the sale of margarine and mixtures?—Yes, when sold on their merits, but not when sold fraudulently.

2815. Is it difficult to keep that sale within a proper limit?—No, I do not think it is. I think it is only a very small proportion of margarine that is sold fraudulently in this country.

2816. And in regard to margarine and mixtures, if sold, would you have them marked, and if so, in what way; or in what cases would you have them sold?—I would insist on the enforcing of the present Margarine Act; and I think it might be an advantage to have all margarine or mixtures packed in one distinct kind of package. I think that, with better supervision from the inspectors and closer attention paid to the selling of the stuff, there would be very little fraud if that were done.

2817. Could you suggest any shape for the packages?—Either square or oblong boxes.

2818. But you would make them uniform for margarine?—Uniform in appearance. I would not limit the size.

2819. Would you have any objection to an inspector visiting the factories?—No, not at all.

2820. Do you think it would be a practical thing to enact that the inspector could visit hotels and demand to see the invoices of the hotel-keepers, so as to ascertain where they get their butter?—I do not see any necessity for the inspector to visit an hotel, because when the hotel-keeper buys goods he may buy butter or he may buy margarine to give to his customers. It is optional for him to supply butter or margarine to his customers.

2821. You do not think that much good would come of that?—Not in visiting hotels; unless you make it compulsory for hotel-keepers to give their customers only butter.

2822. Do you consider that margarine and mixtures are real necessaries to the working classes and trade generally?—They are certainly valuable articles of food for the poorer classes who cannot afford to buy pure butter. They are also very largely used for cooking purposes, and also, as I have already said, by bakers and confectioners.

2823. Are they largely used for cooking by all classes of society?—Yes; and by bakers and confectioners.

2824. Do you know the extent of the trade just now; the amount sold in this country?—Not the exact figure, because we have no way of getting the particulars of the home factories. But the trade is not so large as it was at one time, especially in mixtures. At one time there was a large quantity of mixtures sold for butter, but I think the practice has almost died out, because grocers will not evade the law unless they are well paid for it, or through ignorance of the article they are selling. When it was impossible to get butter to retail at 10*d.* and 1*s.* per pound they sold mixtures at those prices, some of them as pure butter, and some for what

Sir *Mark Stewart*—continued.

it was; but now butter is so cheap, and likely to remain so, that they can get almost as good a profit off the genuine article, and have no risk of prosecution.

2825. So that really there is no inducement now to pass margarine for butter?—Very little.

2826. And, as a consequence of that, there is not the same inducement to manufacture it in large quantities, perhaps?—There is not; that is, as regards mixtures. The trade in margarine itself is an increasing one.

2827. I meant mixtures; do the mixtures compete very much with butter; I suppose, hitherto, they have competed very much with butter?—With secondary butters, not with fine butter; where they are sold as mixtures they only compete with the second qualities. Many customers prefer to buy a good mixture to a poor butter.

2828. Knowing it is a mixture?—Yes. I have used a mixture in my own house.

2829. You do not find domestic servants like it very much, do you?—There are some people who have a prejudice against it.

2830. In your business experience, do you know whether there is much fraud in the sale of mixtures for butter?—Yes. There is an enormous quantity of what is called pure butter imported into this country which contains from 15 to 25 per cent. of margarine and 20 to 25 per cent. of water. This butter is imported and sold under a guarantee of being pure butter. Many of the best houses in the trade refuse to sell those butters, although protected by guarantee; and, indeed, they would pass the analyst unless he was very careful. This trade is increasing daily, and requires immediate attention.

2831. And the guarantee is given, I suppose, by the shipper or importer?—It is given, in the first instance, by the shipper or by the importer to the shopkeeper.

2832. That, in your opinion, is one of the worst features of the adulteration?—I believe it is, because this butter is sold to the shopkeeper, and in many instances he knows that it is adulterated butter; but, having the guarantee, if he has a sample taken and is prosecuted for it, he produces this guarantee, and then, after the case is heard, he gets off and he gets the wholesale man to pay his expenses, and the matter is hushed up.

2833. Then, in your view, the greatest injury from this guarantee is done to the butter trade?—I believe there is much more adulterated butter sold as pure butter than margarine sold as butter; that is, goods branded as margarine and brought into the country as such.

2834. How would you propose to deal with this fraud on the part of the importers?—By having samples taken by the Customs officers or other inspectors at all ports, and heavy fines imposed on importers of adulterated butter, and making it compulsory for the authorities to prosecute the wholesale man who supplied that butter to the shopkeeper under guarantee.

2835. In fact, you impute more blame to the wholesale man than you do to the retailer?—In most cases; in many cases, at any rate, the wholesale man sells the butter, knowing that it is adulterated, to the retailer as pure butter, and gives him a guarantee with it.

2836. And the retailer is made safe by the guarantee that he receives from the importer?—Yes. I would make it compulsory on the authorities to prosecute the wholesale man who had given that guarantee. As a rule, the prosecution is never followed up after the first instance.

2837. Would that entail much work and many inspectors at the ports of entry?—No, it is only necessary to put the law in motion. In some cases it is done; it was done in one case in Liverpool this week.

2838. And with what result?—The wholesale man had given a guarantee of purity, and the customer, the retailer, was summoned. He produced his guarantee, and got off. Then the authorities prosecuted the wholesale man for giving the guarantee. That is done very seldom; and I would make it compulsory.

2839. To have it always done when any intimation is given of suspicion of fraud?—Yes.

2840. Do you think it would entail much expense in having inspectors at the port of landing?—Not if they use the present Customs officers.

2841. You think that would be sufficient?—Quite sufficient. I would also make the invoice a legal guarantee.

2842. Then about cheese, what is your experience in that article?—We import large quantities of cheese from the United States, Canada, and Australasia, in addition to our trade in cheese of home production.

2843. Is there much adulterated cheese imported?—Yes, unfortunately there is a good deal. We sell the oleine cheese ourselves, made by the United Creameries, who buy milk from the farmers to the value of over 60,000*l.* per annum. They make butter from the cream, which butter commands the highest price, and they utilise the skim milk by making it into cheese. They found skim milk cheese very unsaleable, and to improve the quality they now add a proportion of oleo fat.

2844. And what do you sell that cheese at?—Those cheeses are usually sold at about 4*d.* a pound We have been prosecuted for selling those goods as cheese, and have spent hundreds of pounds in trying to get a definite decision as to how they should be sold. It has been decided in the Scotch courts that they may be sold as cheeses, and that there is no fraud where they are sold at a cheap price, the court finding that as cheese made from skim milk can be lawfully sold as "cheese," these enriched skim milk cheeses which cost more to make do not come under the category of adulterated food. In England the decision was, that any cheese which is composed of anything other than the produce of the cow is adulterated, and has to be sold under a distinct name. So as to comply with this decision we now supply all customers with labels to attach to those cheeses bearing the words "oleine cheese."

2845. Every cheese is separately marked?—Yes, they are all marked.

2846. Merely with a label stuck on?—Yes, with

Sir *Mark Stewart*—continued.

with a label stuck on, the same as the margarine label.

2847. You do not stamp the cheeses in any way?—No, although it would be quite possible to do that.

2848. Would that be any further preservative against fraud?—I believe it would.

2849. To stamp the cheese, that is to say?—Yes; what we would like to have is a definite decision as to how those goods should be sold.

2850. In Scotland, as I gather from your evidence, the law is one way, and in England it is another?—Yes; we know of large quantities, thousands of boxes weekly, being imported into this country as "pure cheese," and sold under the guarantee system the same as adulterated butter.

2851. Where do those cheeses come from chiefly?—Principally from the United States of America.

2852. Then, in regard to this filled cheese and margarine mixtures, you say that there is a much larger quantity imported from abroad than is manufactured in this country?—Yes.

2853. Does that apply both to margarine and also to this oleine cheese?—There is not such an article imported into this country as oleine cheese; not under that name at any rate.

2854. But I suppose there is, as you say, a large quantity imported?—Yes.

2855. Do you consider that these oleine cheeses compete with pure milk cheese, and thereby injure the legitimate trade of the farmer?—No; they are sold to a class of people who could not afford to buy the finest class; and certainly they are a benefit to that class of customers, because they would otherwise have to take much less palatable skim milk cheese.

2856. You do not think that that trade affects the agricultural interest?—No, I do not think it does in any way.

2857. Supposing that these cheeses were not made would the farmers have the same outlet for their skim milk?—It would not give them the same outlet for their skim milk; it would affect the farmers in the districts in which we have our factories.

2858. In fact, if they had not this outlet the farmers could not sell the milk to the same advantage?—No.

2859. If they manufactured their produce at home they might utilise the milk and the residue of that milk, such as the whey, I suppose, in pig feeding?—Yes, but that has only been found profitable to a limited extent.

2860. And I suppose at this moment it is unprofitable?—It is unprofitable just now.

2861. And if these factories were done away with would a farmer be able to command the same price for his milk as at present?—I do not think so, because the factory itself enables the farmer to compete with other countries, owing to the less ratio of the working expenses in producing the dairy produce; and it also makes a more uniform article, and so commands better attention on the market.

2862. Then, your argument would be that a farmer having two strings to his bow is better off than if he had only one string?—Certainly.

Sir *Mark Stewart*—continued.

2863. Is there much fraud practised in the sale of cheese beyond what you have told us?—Nothing, except by the sale of filled cheese.

2864. Then, I gather from your examination that your main contention is, that in order to stop adulteration what is needed is a more thorough inspection at the port of entry?—Yes, I believe that is the most important point, to have thorough inspection at the port of entry, and the importers of adulterated butter heavily fined; and that the guarantee system should be better managed.

2865. And very carefully watched?—Yes, more carefully watched.

2866. Are you aware of any other article of food relating to dairy produce that requires attention?—Yes, I note with alarm the enormous quantities of cream and milk that are now being imported into Great Britain from abroad. The dairy farmers here are not allowed to sell milk or cream unless they hold a certificate from the sanitary authorities, while we receive the same articles from abroad without any precautions being taken to see that they are free from infection or impurities.

2867. What have you done in regard to condensed milk; do you do anything in that way?—Not in Scotland. There are large quantities imported from abroad, and there is quite a considerable quantity made in Ireland.

2868. But not much in Scotland?—No.

2869. Is that an increasing trade?—Yes, a very rapidly increasing trade.

2870. Could you tell us, knowing the trade, how much margarine there is in a mixture?—No, that would be very difficult to tell.

2871. Have you any evidence to offer on the percentage of moisture in butter; have you any views upon that point, namely, how much water there ought or ought not to be?—I believe there is a great amount of adulteration of butter by adding moisture in the form of hot brine. I think the use of hot brine in butter-making should be prohibited; it is altogether unnecessary and need only be used for the purpose of fraud.

2872. Would you adopt a standard to say how much moisture there ought not to be in butter?—There should not be over 20 per cent., and even that only under exceptional circumstances.

2873. Then would you be willing to leave that to the analyst?—Yes.

2874. Assisted by experts?—Yes, assisted by experts.

2875. You would lay stress upon that point that the analyst ought to be assisted by experts?—It is very difficult to get experts to agree.

2876. How do you test the large quantities of milk that you purchase from the farmers?—The milk is brought according to quality by the Babcock test.

2877. Could you tell the Committee how you purchase it just now; what is the quality?—It is brought on a standard of 3·4 per cent. of butter fat.

2878. And paid for according to the units?—Yes, and paid for according to the units.

2879. What is the price now?—The price is 4½*d.* per gallon.

2880. Then there is a very considerable fall in

Sir *Mark Stewart*—continued.

prices as compared with what they were this time last year?—Yes, the price is about 10 per cent. less this year.

2881. I just want to ask you a question upon the colouring of margarine. Have you any definite opinion upon that point?—I believe that margarine should be coloured the same as butter, so as to make it attractive to the consumer.

2882. And you think you could do that without injuring the butter trade, and the manufacturer of pure butter?—Yes, I think so.

2883. If you did not colour margarine with any colouring matter, is it the fact that you could still colour margarine in the manufacture?—Yes, without the addition of the usual colouring matter, anatto.

2884. So that if any Act of Parliament were passed preventing the colouring of margarine, the manufacturers could still colour margarine by using lawful ingredients?—Yes. I believe that is done in America. In some States they prohibited the colouring of margarine, and manufacturers used high-coloured oils. It does not give just such a fine-flavoured article, but it complies with the law.

2885. What fine would you be willing to impose in order to prevent fraud by adulteration?—I think you can hardly make the fine heavy enough to the man who defrauds.

2886. But supposing that a man had 20 shops, and was convicted of three offences in three different shops, practically for one offence, he would be liable to a much heavier penalty than a man who had only one shop. Would you make any difference, therefore, between him and a man with only one shop?—Yes, I would make each shop in that case stand as one shop; that is to say, if he was fined in one shop and then fined in another shop, the second offence should only be counted as the first.

2887. And the third offence correspondingly?—Yes; in order to fine him for a third offence I would require the offence to be committed three times in the same shop.

2888. Would you go the length of imprisonment?—Yes.

2889. After the third offence?—Yes.

2890. Do not you think that making the penalty for the third offence a very heavy fine, say 500*l.*, would obviate the necessity of imprisonment?—I would make it optional for the magistrates to imprison or fine.

2891. In regard to inspectors, would you advocate female inspectors being employed?—Female inspectors are employed now; that is to say, inspectors get females to go into the shops and buy the goods for them.

2892. Have you confidence in the Scotch inspectors?—Yes; I have never known of any bribery in connection with them.

2893. Have you anything else to suggest to the Committee?—There is one point that I should like to mention. There have been some questions asked about making margarine and butter in the same factory. If that were prohibited it would handicap the home makers of margarine very severely, because in the beginning of the winter it is necessary for the home makers to make contracts for their supply of milk for the winter months. If at any time the demand slackens, then it is necessary to utilise that milk and make it into pure butter. We carry on in our own factories both margarine and butter making in different departments, and we get the highest price in the market for butter made in the same building, but in another part of it.

Sir *Mark Stewart*—continued.

2894. So that, in fact, if any law prohibited you from making margarine and butter on the same premises, that would give a great advantage to the foreign makers?—That would give them an advantage, because it would not apply to other countries, and there they could afford to run the risk of making contracts for their milk.

Mr. *Kilbride.*

2895. I think you have stated that you were two years in America?—Yes.

2896. For the purpose of getting a practical knowledge of the butter trade and cheese trade?—Yes.

2897. Can you state what is the American law with regard to the sale of margarine in hotels and restaurants?—It varies according to the different States.

2898. In what State is the law most drastic with regard to that?—I am afraid I could not give you particulars of that.

2899. Could you give the Committee any indications at all as to the provisions that exist in any of the States of America in that connection?—I am afraid I could not.

2900. When you went to America to acquire the practical knowledge of making butter and margarine, did it never strike you as an interesting subject to inquire into the state of the law as to those subjects in the different States of America?—I was not seeking to do anything with margarine in America. I was working at the making of butter and cheese then.

2901. I think you told us that a good deal of butter was imported into this country as pure butter which contains from 15 to 20 per cent. of margarine, and from 20 to 25 per cent. of water?—Yes.

2902. Where does that come from?—Most of it comes from Germany; from Hamburg.

2903. And that butter is sold with a guarantee?—Yes, and many of the casks are branded "pure butter."

2904. Are you aware that a few years since 11 samples of Hamburg factory butter were sent by the principal wholesale merchants of Manchester for analysis, and that six of them were certified to contain fat varying from 15 to 20 per cent., and the remainder were stated to be "doubtful"?—Yes.

2905. Do you know that, in consequence, several of the most respectable firms there stopped selling it, while others have continued to deal in that class of butter, to the prejudice of the trade and the public generally?—Yes, I know that to be the fact.

2906. Do you know of any conviction having been obtained against that class of butter?—No, I could not say that.

2907. Do you know of any conviction having been obtained against the retailers or the wholesale

Mr. *Kilbride*—continued.

sale men who still continued to deal in those butters?—Not against the wholesale men. We see accounts of convictions in the papers very frequently; but it is difficult to see what class of butter it is.

2908. You are not able to tell the Committee of any particular case of this butter, which you said came from Germany, and that is adulterated with an excess of water and an admixture of margarine, where a prosecution was had over of that particular article?—I could not name a case at the moment.

2909. I presume that some prosecutions must have been had against this particular article?—Yes, there have been some.

2910. Are you aware that, despite those prosecutions, it is still being sold in large quantities, guarantees of purity being given with it?—Yes.

2911. Do you suggest that all butter factories and creameries where butter is made should be open to inspection?—Yes, they are open to inspection just now under the sanitary authorities.

2912. I think I understood you to say that you would not prohibit the manufacture of margarine in the same factory as butter?—I would not.

2913. And you gave your reasons for that?—Yes.

2914. Would you recommend that dealers in margarine should take out a license?—No, I do not see why it is necessary; they are selling a perfectly honest article, as long as they sell it honestly. It is not a monopoly to anyone.

2915. You are, I think, against the sale of mixtures?—No, I am not against the sale of mixtures as mixtures.

2916. You are in favour, then, of permitting mixing to be continued?—The sale of mixtures, certainly.

2917. Do you not think that it is through the sale of mixtures that a great deal of the fraud that is being committed is being done?—There is a certain amount of fraud in connection with it, but you get fraud in any trade. I do not think there is a large percentage of mixtures sold in this country as butter.

2918. I think you told us that the price of margarine was 4*d.*, 5*d.*, and 6*d.* per pound?—Yes.

2919. Is that the retail price?—That is the retail price.

2920. I think you said that very little margarine was being sold as pure butter, if any at all?—I do not believe that any margarine is being sold as pure butter. There is a certain amount of mixture that is being sold as pure butter.

2921. Can you give us any idea of what percentage of mixture is sold as pure butter; I think you told us that the retail price of mixture was 8*d.* per pound?—Yes.

2922. You said that very few ran over 8*d.*?—Yes.

2923. Can you give the Committee any idea of the percentage (as you have admitted that a certain amount of fraud is being committed) of mixtures which can be sold at 8*d.*, are being sold as butter at necessarily a very much higher price than 8*d.*?—No; it would be impossible to give anything like an idea of what the exact proportion might be; but I know that, in my experience, most of the shopkeepers who are selling

Mr. *Kilbride*—continued.

most of the mixtures are those who sell it on its merits for what it is.

2924. Do they label it in the shop "mixture"?—Yes; they sell it on a margarine paper.

2925. Are you aware that the colouring of margarine is prohibited in Denmark, Italy, New Zealand, and several of the American States?—I believe it is in some countries.

2926. Why is it prohibited in those countries, do you suppose?—In the interest of the farmers, I suppose.

2927. In the interest of the butter producer?—Yes.

2928. To prevent fraud?—Yes.

2929. The experience of those countries is, I suppose, that if you allow margarine to be coloured to represent butter, you cannot prevent a certain amount of fraud being committed; would not that be so?—In some of those countries they never have margarine sold. In the case of New Zealand, they have made it unlawful to sell margarine for the sake of raising the reputation of their butter.

2930. I think you told Sir Mark Stewart that a large quantity of margarine that was sold was sold for cooking purposes to confectioners and bakers?—Yes.

2931. Can you give the Committee any idea now what the percentage of margarine so sold would be to the total margarine sold in the country?—That would be a very difficult thing to get.

2932. Would it be 50 per cent.?—I do not think quite 50 per cent.

2933. Would it be 40 per cent.?—There might be from 30 to 40 per cent. used by bakers and confectioners.

2934. Then, so far as that 40 per cent. goes, do you think that the question of colour induces the people to buy it more readily for cooking; that the question of colour induces bakers to buy it more readily than if it had not been coloured, or induces confectioners to buy it more readily?—No, the colour has nothing to do with the value of margarine as used in manufacture by bakers and confectioners.

2935. Then colour has nothing to do with the sale of margarine, in your opinion, to the extent of 35 per cent.?—No.

2936. Then colour only affects the remaining portion, which is 65 per cent. of the margarine that is put upon the market?—Yes.

2937. That 65 per cent. of margarine is used, I suppose, in the same capacity as butter?—Yes, as a substitute for butter.

2938. And the object of colouring that 65 per cent. is to make it as like butter as possible, is it not?—To make it as attractive as possible.

2939. But if you coloured it any other colour it would not be so attractive, because it would not be so like butter?—No.

2940. Is it not its likeness to butter that makes it attractive?—Yes, because people are accustomed to a certain colour, and they are very slow to change.

2941. I think you told us that in some of the American States where the law prevented colouring the manufacturers succeeded in de-

Mr. *Kilbride*—continued.

feating the law by using highly-coloured oil?—Yes.

2942. Did that lead to any amendment of the law in that particular State?—I am not aware of that. I have not watched closely the law regarding margarine in America.

2943. You would not then look upon the use of these highly-coloured oils in a margarine factory as adulteration?—It might be an evasion of the law, but it would not be adulteration.

2944. It would not be adulteration, do you say?—It might not be an adulteration. It depends upon how you define "adulteration."

2245. I think you stated that a good many farmers in Scotland got an increased price for their milk, owing to the fact that they are in the neighbourhood of a margarine factory?—Yes, that is the case.

2946. The margarine factories, we were given to understand, were a great advantage to the agriculturists and dairy farmers?—Yes, if they happen to be near a factory.

2947. Can you give the Committee any idea at all of the number of farmers that are so affected, benefited by the fact of margarine factories being in the neighbourhood?—In the south-west of Scotland alone there are at least 400 farmers; and then the farmers all over, all agriculturists, get the benefit in the increased price for stock. At one time, when oleo oil was very dear, I have heard a butcher say that the price of the fine fat increased the value of a bullock 20*s.* per head.

Sir *Mark Stewart.*

2948. Do you get much of the oleo fat in this country?—Yes, all the fine fat in this country is used for oleo making.

2949. Does not a great quantity come from America, from Chicago?—Yes; quite a quantity comes from Chicago, but all the fine fat in this country is brought up for oleo making.

2950. Where is it made?—Aberdeen, Leith, Glasgow, Liverpool, and, I think, Bristol and London.

2951. Birkenhead, we were told by one witness?—I mean Birkenhead instead of Liverpool. In other towns the fat is bought and sent by rail to those places.

Mr. *Kilbride.*

2952. Have you any idea of the number of farmers who are prejudiced, and very severely prejudiced, as dairy farmers, by the law allowing a mixture of margarine and butter to be sold?—No.

2953. Because it is by mixtures, as we all know, that fraud is committed?—And adulterated butter; it would be impossible to give the number of farmers who grumble at that more than anything else.

2954. Do you think that the agricultural interest is more prejudiced through the sale of mixtures than it is benefited by the fact of margarine factories being in the country?—No, it is not. I do not think the agricultural interests of this country are affected at all by the sale of margarine and mixtures when sold on their merits.

Sir *Mark Stewart.*

2955. Injuriously affected, you mean?—I mean, injuriously affected.

Mr. *Kilbride.*

2956. Are you aware that the sale of mixtures in Denmark is punishable with imprisonment?—It would pay them to do that in Denmark, because their existence almost depends on their butter trade, and they must keep the reputation of their butter as high as possible.

2957. Then, in your opinion, if mixtures were allowed in Denmark that would have an injurious effect on the character of Danish butter?—Yes, because people in this country might say that there was a possibility of Danish butter being adulterated. Colonials might make use of that as a statement that they sent butter from a country in which they did not allow margarine to be made, and consequently it was impossible for their butter to be adulterated, while butter coming from Denmark where margarine was made might possibly be adulterated. You would not get Holland prohibiting the making of margarine.

2958. I think you stated to the Committee that you were in favour of the local authorities and the inspectors being more active?—Certainly.

2959. Do you know that in 48 towns in England, with an aggregate population of over a million and a half (or an average of more than 30,000 each), not a single sample of butter was taken for analysis by the local authorities in the year 1893?—I can quite believe that.

2960. What suggestion do you make to the Committee, or have you already made a suggestion to the Committee?—My suggestion is, that in the first place you should prohibit the importation of adulterated butter, by taking measures to keep adulterated butter from being imported; and then I would increase the fines, and stir up the local authorities in some way to put the Act in force. It would be a very sad admission for us in Great Britain to say that we make laws and cannot enforce them.

2961. Are you in favour of the President of the Local Government Board taking action, for instance?—I would be in favour of any Board taking it up who could carry it out. What we want is to stop fraud and by the best means possible.

2962. Can margarine, as it is made and sold at present, be distinguished from butter by its appearance by the ordinary consumer buying it at a shop?—No, it cannot.

2963. Is not that due to the fact that margarine is allowed to be coloured, so that a customer going in will be defrauded by a shopkeeper who is a dishonest man?—It is supposed that the British public, when they go into a shop to buy goods, can read. The margarine ticket is there before them, and all they have to do is to use their eyes.

2964. Are you aware of the fact, as has been given in evidence here, that in several shops there is an artificial barrier erected on the counter, and that behind that slab two lumps similar in colour and appearance are kept, one being margarine and the other being pure butter; that

Mr. *Kilbride*—continued.

that when the customer goes in he asks for butter, and in several cases the trader gives him margarine?—It is quite possible that that may be done; there is always a certain amount of fraud in almost anything; but I do not think it is a general practice. I would be very sorry to think that the provision trade of Great Britain was, as a whole, fraudulent.

2965. But is not the object of erecting this artificial barrier in order to defeat the law, because the article kept behind it is not, in legal technicality, exposed for sale?—If that was known to the public then it might arouse their suspicion. But it is not a common thing to have those counters. In quite a number of shops they have them, but not as a rule, taking the whole country. You may get them in some districts, say, in London.

2966. But if margarine was obliged to be sold in its natural colour, it would be absolutely impossible for a fraudulent trader to defraud his customers by selling margarine as pure butter, would it not?—No, the manufacturer might make it of the same shade as butter, as I suggested before. And then why should a poor person who buys margarine at 4*d.*, 5*d.*, and 6*d.* a lb. not get as attractive-looking an article, with a nice bright-looking colour, as butter.

2967. Are we to understand that a great deal of the virtue of margarine would depart if you insisted on its being sold in its own colour?—People always like to get their food as attractive as possible.

2968. While margarine is manufactured exactly in imitation of butter, do you know of any other article of food which is deliberately prepared in imitation of something else, and fraudulently sold for it?—Not in the way of food; but you could take any other thing. You could take many other things in dry goods that are got up as substitutes for a better article, and they are sold on their merits. Take velveteen as a substitute for velvet.

2969. But allow me to say that that was not the question I asked you. The question I asked you was, Do you know of any other article of food which is deliberately prepared in imitation of something else and fraudulently sold for it?—No, I cannot think of any such article of food at the moment.

2970. Do you believe that the amount of butter which is adulterated with foreign fat is much greater than is detected?—Yes.

2971. Very considerably greater?—Yes.

2972. About how much of it, in your opinion, is so adulterated?—I cannot give you the figures. I have heard it estimated, any way, as being from 10 to 40 per cent. of our imports.

2973. Do you think that if it were stated that 25 per cent. of all foreign butter coming into this country was adulterated it would be an exaggeration?—It would be very difficult to give definite figures, because, while we in the trade know of most instances in which adulterated goods are coming to the market, we have not the details of the quantities.

2974. I think you said that you would be in favour, in case of private prosecutions, where there was a fine, that half the money, or a large

Mr. *Kilbride*—continued.

portion of it, should go to the prosecutor?—Yes; providing the prosecutor goes about the thing in taking samples in the way as prescribed by the Sale of Food and Drugs Act.

2975. Are you aware that 38 per cent. of the samples taken by private persons in 1892 were reported as adulterated, whereas the proportion of those taken by inspectors was only 12·4?—I am not aware of the figures; but it is quite possible that the private individuals might be men who understood the business a little bit better than the inspectors.

2976. Or would it be due to the fact that the inspector was known, and, of course, being known, his object was anticipated; whereas, the private person not being suspected, the fraudulent dealer was more likely to commit a dishonest act in connection with him than in connection with the inspector, whom he knew?—An inspector can send in a child or woman to buy the sample, and in many cases they do so.

2977. Are you aware that the fraudulent sale of margarine in 1887 was about 17 per cent.; that in 1888 it fell suddenly to about 10 per cent., and is now between 15 and 16 per cent., or nearly the same as before the present law came into operation?—I would account for that by the increase in the sale of adulterated butter, not in the sale of mixtures for butter. It is only within recent years that we have had adulterated butter coming into this country.

2978. Have you any facts to show that there is a larger proportion of adulterated butter sold than the quantity of margarine sold as butter?—No, I only gave that as an opinion from my own observation.

2979. You give it as your opinion that there is a larger quantity of adulterated butter sold and fraud committed in that way than in the way of margarine being substituted for butter?—Yes, I do.

2980. Have you any suggestions to make to the Committee as to what the Customs officers ought to do at the port of entry?—I think that all foreign butter should be branded by the dairy or factory in which it was made, and then the Custom House officers might take samples every now and again and keep a note of the dairies that they have taken samples from.

2981. Have you any suggestion to make to the Committee as to the particular mode that the Customs officers ought to adopt when taking samples of butter, so that the package that they take it from, the barrel, or firkin, or whatever it may be, will not be afterwards prejudiced in its sale?—It might be done by taking an ordinary butter trier, and taking a sample from that.

2982. Taking it from the end?—Yes.

2983. So that so far as the outward appearance of the package would go, it would still remain intact?—Yes, and it would not be known to the importer that his butter had been sampled.

Mr. *Newdigate.*

2984. You said that when adulterated butter was sold with a guarantee, and the retailer was discovered, the wholesale man would pay the expenses?—That is often the case.

Mr. *Newdigate*—continued.

2985. Do you know of an instance of that?—Yes.

2986. Could you give an instance, if necessary?—I could give an instance, if necessary.

2987. We heard the same charge made, I think, yesterday, and then the person who made the charge said that he could not give an instance; but you think that you could?—Yes; I think I could give an instance.

2988. You said that hot brine used in the keeping of butter conduced very much to adding water to the butter?—It does.

2989. You do not think it is a necessary article at all to use for that purpose?—In making butter I would very much prefer to use cold brine to hot brine.

2990. You think it does just as well?—Yes; I think in salt butter it is better to salt with brine than with dry salt, because you get a better grain and texture to your butter; but the use of hot brine is prejudicial to the quality of the butter, and is only done for the sake of adding additional moisture.

Mr. *Kennedy*.

2991. I think you said that hotel keepers did not require protection, as they knew how to take care of themselves?—As a rule, they do.

2992. Do you not think that persons going to a hotel, and asking to be supplied with bread and butter, expect to get it?—Yes

2993. Do you think that they always get butter, or that they sometimes get margarine or a mixture?—I think they often get a mixture, in the same way that if you go and ask for a cup of coffee, it is very seldom that you get it; as a rule, it will be coffee and chicory.

2994. But it is a fraud, is it not?—In both cases alike it is a fraud.

2995. Would you allow hotel keepers to buy margarine and give it to their customers as butter?—If they are allowed to sell coffee and chicory, I would allow them to use margarine.

2996. If a person is supplied with coffee and chicory, is he not able to know that it is coffee and chicory better than he would know margarine from butter or a mixture?—I do not know that point.

Mr. *Kennedy*—continued.

2997. I think you said that the margarine manufacturers of this country would be placed at a disadvantage if they had to make margarine and butter on different premises?—Certainly.

2998. Why could not a margarine manufacturer carry on his business in a separate building adjoining?—He could do so, but that might necessitate his erecting a different building; and the home margarine manufacturer has hard enough competition to fight against the imported article without putting restrictions on him that do not apply to his opponents.

2999. Do you know the value of the butter made in the United Kingdom, and the value of the margarine made in it?—The Board of Trade Returns, do you mean?

3000. The general returns; I suppose they are the best returns?—Do you mean the total value or the value per lb.?

3001. The total value?—I am afraid I could not give you that without notes.

3002. Have you any objection to compelling retailers to wrap margarine in a distinct coloured paper?—No, I see no objection to that.

Sir *Mark Stewart*.

3003. It is not in the interest of the manufacturer to make these butter substitutes, is it?—It is to the interest of the manufacturer to make what he can get a profit on; but it is not to the interest of the manufacturer to have the goods sold fraudulently.

3004. Would the manufacturer in his trade make the same profit by selling a pure and unadulterated article, such as pure butter, and pure margarine, so far as you can make it pure, as if he made those two articles, and also mixtures?—Mixtures would leave a profit certainly better than margarine, because there is more money in them proportionally; a mixture costing 70*s.* will stand at a greater profit to the manufacturer than a margarine costing 40*s.*

3005. So the inducement to make a mixture would be rather in favour of making a greater quantity of mixture?—Yes, but they can only make a sufficient quantity for the demand.

3006. And that demand is a falling demand, you say?—Yes.

Tuesday, 9th April 1895.

MEMBERS PRESENT:

Colonel Bagot.
Sir Charles Cameron.
Mr. Channing.
Mr. Colman.
Sir Walter Foster.
Mr. Jeffreys.
Mr. Lambert.
Sir Mark Stewart.
Mr. Whiteley.

SIR WALTER FOSTER IN THE CHAIR.

Mr. JAMES HAMILTON, called in; and Examined.

Chairman.

3007. I THINK you represent the Glasgow Provision Trade Association?—I do.

3008. Have you any other qualification you could mention?—I am president of that association.

3009. You have been connected with the trade for over 22 years?—Yes.

3010. You were brought up on a dairy farm?—I was.

3011. And you are still interested in agriculture?—I am.

3012. The butters mainly sold in Scotland come from what parts?—They are Danish, Irish, and colonial.

3013. Have you anything to say about those different butters?—The Danish and colonial are never adulterated, and, so far as our experience goes, the Irish is genuine, though at times it may contain too much water. While there may be a large quantity of butter landed in England from Hamburg and other districts that is not pure, there is a very limited sale of that class of butter in the north, and there certainly is not a large quantity of adulterated butter of any kind sold in Scotland.

3014. Is there much water in some of those butters?—I have never personally paid much attention to that; I am not prepared to hazard an opinion as to the percentage that should be allowed.

3015. But you admit that in some of those butters there is a considerable quantity of water?—Yes, in the Irish butter.

3016. Is there more water in that than in the other butters you referred to?—Certainly.

3017. Do you think that the fixing of a standard by some authority would be desirable?—I am afraid not.

3018. Why?—Because an honest maker with a very sudden change of temperature might make a mistake with the best of intentions. They have not all the appliances among the very small farms that are necessary to take the water out of it.

3019. And you think that if a standard was fixed sufficiently high to save the honest maker under those circumstances it would be high enough to induce other people to add water?—

Chairman—continued.

It would indeed; those who can manipulate it properly would simply add water up to that standard.

3020. So that the general quality of butter would be deteriorated?—Yes.

3021. Is there much margarine sold in Scotland?—Yes.

3022. Is it ever sold fraudulently as butter?—In small places and in certain districts where the inspectors have been lax it has been, of course, sold fraudulently; a certain proportion of it, but not a large proportion.

3023. Does the Act of 1887 prevent that, or would it, in your opinion, prevent it if it were efficiently administered?—Most certainly.

3024. Then your complaint is, that it is not efficiently administered?—It is not efficiently administered. When the Act of 1887 was passed it interfered very materially for the time with the demand, but of late years, since it has mostly been sold on its merits, the demand has steadily increased till within the last few months, when the low price of butter has told against it. There is one very significant fact that I would like to mention, and that is, that the retail merchants who sell most of it are those who carry out the provisions of the Act to the letter.

3025. I do not quite follow you?—I mean that those who carry out the provisions of the Act, who label it and sell it with the papers, sell the biggest quantity of it; those are the people in Scotland who are selling the most margarine.

3026. Then that margarine is not sold fraudulently?—No; I admit that there are a number of shops that do sell it fraudulently.

3027. But the people who sell the most margarine, you say, are selling it not fraudulently?—Yes, selling it as margarine. That is the strongest argument I know of in favour of margarine.

3028. And as margarine it is bought by the people as a suitable article of food?—That is so.

3029. And I suppose it is popular on account of its comparative cheapness?—It is popular on account of its comparative cheapness, and on account of its superiority in flavour to cheap butter.

3030. And you think that if it were sold on

Chairman—continued.

its merits as margarine it would still command an extensive sale?—A large sale.

3031. Do you think that the Act is sufficiently drastic in its provisions to protect the public if it were properly enforced?—I do.

3032. Would you have any further and stronger penalties in connection with the fraudulent sale of margarine, or margarine mixtures, as butter?—I would not object to a heavier fine; but imprisonment, I think, would deal harshly on well-meaning merchants; it would put them too much at the mercy of their employés.

3033. But there is a clause in the Act which makes the person employed liable, you know?—There is. Still, I think that if one employer was fined several times that clause should not apply; supposing he was fined half-a-dozen times, say.

3034. Do you think that it would not apply?—I think that it ought not to apply.

3035. That is to say, that if he had been found guilty himself several times the finding of an assistant guilty would not make the assistant liable?—I say that if a merchant's employés were found guilty several times I think he should be the culpable party in the end.

3036. You think that if his people made this fraudulent mixture or this fraudulent sale repeatedly there would be something wrong in the management of the establishment?—If it occurred too often I would be apt to think so.

3037. Then the proprietor himself, you think, ought to be punished in such a case?—I would not object to a clause to that effect.

3038. But you are not generally in favour of imprisonment?—I am not, in connection with this. It would be very difficult to work out satisfactorily, I am certain.

3039. Are you in favour of much heavier fines?—Yes, I would not object to that.

3040. Have you anything to say about margarine mixtures?—I do not object to the sale of mixtures, so long as they are sold as margarine; but if the sale of margarine is to continue at all I do not see that it would be right to make it illegal for anyone to improve on the quality he is giving his customers by 10 or 15 per cent. of butter to it, so long, of course, as he sells it in accordance with the Act.

3041. Do you not think that the selling of these mixtures facilitates fraud?—Certain butter merchants complain that the sale of mixtures affords facilities for fraud; but the standard of morality in the retail provision trade is not lower than that in any other, and we might as well cut off the water from milk dealers' premises as attempt to regulate the provision trade in its various departments by such peculiar legislation.

3042. Do you not think that the temptations to fraud are greater in these small retail trades than in many other larger businesses?—I do not think that.

3043. Is not the very introduction of mixing machines, which are used in a part of the shop away from the customers' sight, an evidence that the thing is very widespread?—So far as my experience goes, there is not a mixing machine used by the retailers in Scotland; it is a new feature of the trade to me.

Chairman—continued.

3044. Then we must admit that the morality of the trade is higher in Scotland than in other parts of the country, so far as we have heard in evidence?—Perhaps they are rather behindhand in ingenuity.

3045. We generally think that the Scotch are ahead in intelligence. Have you anything to say about the colour of margarine; would you have margarine prohibited from being coloured?—No, I do not think any restrictions as to colour would be right. Butter and margarine are alike in colour when they leave the churn if no artificial colouring matter is used. They are, however, each coloured to suit the various districts they are meant for. They are both wholesome; and, if honestly sold, I do not see that margarine should be handicapped with a repulsive colour. It is a great boon to the poorer classes, and surely they have as much right to have their margarine coloured to their taste as the wealthier classes have to get their butter put before them in the most palatable form.

3046. Then you state, from your own experience, that margarine, as imported or sold in this country, is of the same colour as butter when it leaves the churn?—It is of the same colour as butter when it leaves the churn if there is no artificial colouring put into the churn.

3047. Put into either?—Into either.

3048. But butter varies in colour at different seasons of the year, does it not?—Yes; but the milk used in the margarine would affect it in the same way in the manufacture of the margarine.

3049. Do you think that by the natural colour of each product you could not separate them?—There would be hardly any difference at all between the two articles in their natural colour.

3050. Then, to come to the point of your answers more especially, you are opposed to the colouring of margarine green or red, or anything of the kind, to give it a distinctive colour?—Yes, I decidedly am.

3051. You think that that would render a well-known article of food repulsive?—It would be repulsive.

3052. And that would be injurious to the poorer classes, you think?—It certainly would.

3053. Have you anything to say about the size or form of the packages in which margarine should be sold or imported?—Any restrictions as to size or shape of packages would have little effect on putting down the fraudulent sale of margarine amongst manufacturers and wholesale merchants; it is invariably sold in compliance with the Act, and it is at the counter, after it has, in most cases, been taken from the package, that the danger of fraud begins. No doubt it is frequently sent out in packages similar to butter; still, in Glasgow some of the packages which are most in favour are certain packages in which butter is never seen.

3054. Then some of the packages of margarine that are most popular in Glasgow are those of a shape in which butter is never packed?—Of a style, at any rate, in which butter is never packed. They are white spruce American pails.

Chairman—continued.

pails. American butter used to come in those packages, but not of that spruce wood; but there is no American butter sold in Scotland now.

3055. So that they are like the original butter packages?—Yes; but it was not copied to imitate American butter, because that was never popular in Scotland.

3056. You do not think then that a specially shaped or specially coloured receptacle would protect the public against fraud in that respect?—I do not think it would do any good in that way at all.

3057. Is it not possible that some of those packages that come over with a label attached to them lose the label in their transit and get mistaken for butter?—I would not allow that; I would be against that. But there is hardly such a thing coming now into Glasgow at any rate. They used to have crocks and baskets, but very few of them are sold now.

3058. Are the packages in which margarine is now imported marked outside "margarine"?—Branded.

3059. So that the mark cannot come off?—Sometimes they are stencilled, not always branded, but mostly.

Mr. *Channing.*

3060. Would you prohibit the use of those removable labels?—Yes, I would.

Chairman.

3061. Do you think that the sale of margarine, as at present carried on under the Margarine Act, does not interfere with agriculture?—At one time it certainly did; but now, with the unlimited supply that there is of colonial butter, supposing that the sale of margarine was interfered with, the colonial butter would simply fill up the gap, and the price would not, I think, advance very much, but the result of that would be that we should lose the outlet for our milk that is used in the manufacture of margarine.

3062. So that you really think that agriculture would not be benefited by any restrictions on the sale of margarine, such as colouring it, or forcing it to be sold in special shops, or having it sold under a special license?—I am afraid that would be playing mostly into the hands of the colonial butter makers. They seem to have an unlimited supply of their butter.

3063. And in the face of the colonial butter importation, you see no means of raising the price of English butter by restricting the sale of margarine?—I do not. There is an outlet for the milk of at least 20,000 cattle, if the whole of the margarine that is used in this country were produced in this country. That is to say, it would require the milk from that number of cattle to manufacture all the margarine that we use.

3064. Will you explain that a little more fully again?—Supposing that all the margarine that is used in Great Britain was manufactured here, we would require the milk from 20,000 milch cows to manufacture it.

Chairman—continued.

3065. That is to mix with the margarine in its manufacture, in order to render it a saleable product?—Yes. And then, again, there is the fat. If it was not for the large output of home-made oleo just now, I fail to see where any market could be found for our best fats.

3066. Then you think that the best fats in this country find a market now for the manufacture of margarine, and that is useful for the general trade of the country; and that, in addition to that, the use of milk in the manufacture of margarine affords an outlet for the milk of at least 20,000 head of cattle?—It would.

Sir *Mark Stewart.*

3067. Is that including the foreign margarine?—Yes, all that is sold in this country.

Chairman.

3068. Have you any particular views as to the licensing of margarine sellers?—I have not; but I cannot think that that would do much to stop the fraudulent sale. Unscrupulous men would not hesitate to sell it without the licence, and the inspectors' duties would not be lessened.

3069. Have you anything to say about the fraudulent sale of margarine?—I admit that there is a certain proportion of margarine sold in Scotland fraudulently. Still the authorities have the power to put it down, if they choose to wield it; and any further legislation tending to harass the legitimate sale of the article would only be protection in a new guise to a few interested in the butter trade.

3070. Have you anything to say about the stringency of the Act?—I have taken special note of the working of the Act since it became law, and all my experience points to the fact that, if the authorities choose to exert themselves it is sufficiently stringent. In some districts they have been lax, and in certain localities in England notoriously so; else I think the present inquiry, so far as margarine is concerned, would have been wholly unnecessary.

Sir *Mark Stewart.*

3071. Section 8 of the Margarine Act does not make it compulsory on the part of local sanitary authorities to enforce inspection through their inspectors. Would you alter that?—I certainly would.

3072. The Act says "it shall be lawful," it does not say they are to do it. You would wish it to be so?—I would have it imperative.

3073. You would make it imperative?—Certainly.

3074. Have you had any trouble about inspectors in your part of Scotland?—We have had no trouble about them in Glasgow.

3075. Do you find that they generally do their duty?—In Glasgow they do, I think, but round Glasgow in the country districts there is very little done.

3076. Is that owing, should you say, to the fault of the inspectors, or is it rather due to there not being a sufficient number of inspectors?—I think that the sanitary inspectors have too wide a range of work. I think that there ought to be

Sir *Mark Stewart*—continued.

special inspectors for the Sale of Food and Drugs Act.

3077. Do you think that that would cause a great multiplication of inspectors; would many more be required?—It would not need a great number, because one fine in a country town is sufficient to put down fraudulent sale for a long time; they are too much afraid of their reputation, especially in country districts.

3078. Would you propose having female inspectors to assist the other inspectors?—I would not object to it, but I do not see that it would be advisable.

3079. I understand that your view of the agricultural question is that the sale of margarine does not really hurt the dairy farmers?—It did at one time, but now I do not think it does.

3080. Is that owing to the enormous supply of foreign butter that is imported, should you think?—Yes.

3081. But supposing that that foreign butter failed, would not the sale of margarine have the same tendency again to injure the legitimate butter-producing industry of the agricultural districts?—I do not see any probability of the foreign supply failing. However, if it did, it certainly would. But it would be a still greater hardship to the poor to harass the sale of margarine in any way.

3082. Is it not the fact that New Zealand butter is produced at a positive loss in that country?—It is produced very cheap; but the cheaper grade of New Zealand butter is not as good as good margarine.

3083. Is it not more sustaining?—I could not say positively, but my opinion is, that it is not so wholesome.

3084. You say that there would be no market for our best fat unless it went to the margarine factories. What became of it before there were any margarine factories for it?—There were a number of outlets for it; but there is a very much larger quantity of beef consumed in the country, and consequently there is a very much larger proportion of fat on the market, and it would fall to a very low price indeed if there were no margarine factories to provide an outlet for it. I do not see where there is an outlet for it otherwise.

3085. It is only from home-bred cattle mainly that the fat is gathered, is it not?—There is a large quantity of oleo that comes from abroad; the bulk of it comes from abroad; but of late years there has been a big home manufacture.

3086. Is that home manufacture on the increase?—Yes it is, but only recently.

3087. It is on the increase?—Very much so.

3088. Has it a tendency to push out the foreign import?—It has in some instances, and it takes the market very well for certain grades. It is always fresh run. That is the advantage that it has.

3089. Then it is the more popular of the two, is it, in margarine factories?—I would not like to say that. They have been at the manufacture of it longer in America, and perhaps they are more proficient, but we are rapidly coming up with them.

3090. Have you ever taken into consideration the fact that owing to the farmer sending his milk to the margarine factory he is unable to keep so large a number of pigs, and therefore to grow the amount of pork that he otherwise would?—I do not think that would interfere much with the prosperity of the farmers.

3091. It would not at present, because pork is not very high?—It is not.

3092. I do not know whether you have been asked this question, but do you approve of the same shop selling butter and selling margarine?—Certainly I do.

3093. Would you have separate counters?—I do not see the necessity for that if the inspectors do their duty.

3094. You are not afraid of fraud cropping up by a mixture taking place in the retail shops?—Not if they were smartly looked after. And supposing that there were two shops, in the one where they sold butter an unscrupulous man would in all likelihood sell margarine or mixtures.

3095. Can you give the Committee any evidence on the importation which we have been told is carried on at present of large quantities of spurious butter, and also of cheese?—I cannot give much evidence regarding the butter: we never sell butter from Hamburg, and those districts where it is suspected of being spurious. There is very little of it sold in Scotland.

3096. You avoid that market?—We avoid that market.

3097. What markets do you generally go to?—Copenhagen.

3098. It is entirely from Denmark?—Yes.

3099. Do you import any from New Zealand?—Australia.

3100. Not New Zealand?—Very little from New Zealand; it is not so much in favour in Scotland.

3101. And do you import any Canadian butter?—No Canadian.

3102. But Canadian butter is being brought into this country, and it will probably find its way to Glasgow?—It surely will.

3103. It is good butter, is it not?—It never has been good butter yet; they have never yet sent good butter for home consumption.

3104. Was there formerly a large importation of butter from the States?—Yes, there was a comparatively large importation.

3105. But it never took?—It has never taken.

3106. You do not disapprove then of mixtures; you do not think them injurious to the butter trade?—I would not say that the sale of mixtures is not injurious to the butter trade, for it certainly tends to keep the price down; but I do not think it is injurious to the country at large.

3107. You look upon margarine as a thoroughly wholesome article, and therefore very beneficial to the poorer classes?—Yes.

3108. What is the extreme penalty that you would be willing to impose after a third conviction?—I have no objection to any amount that may be agreed upon.

3109. Do you think that a magistrate in the ordinary

Sir *Mark Stewart*—continued.

ordinary way would be willing to impose a very heavy penalty, for example 100*l.* ?—I think that if a man was three or four times convicted he ought to be fined 100*l.* I think any magistrate ought to understand that.

3110. After the third or fourth conviction?—After the third or fourth conviction.

3111. And you prefer that to imprisonment?—Certainly.

3112. Do you think that imprisonment would not be carried out?—I am afraid it would not.

3113. Are you quite clear about the view which you have expressed as to allowing the colouring of margarine?—I am quite clear on the subject.

3114. You do not think that it would induce many persons to buy it simply for butter where there was a seller who was willing to sell it as butter?—The different districts in Great Britain require different colours; and margarine is not coloured to imitate butter; it is coloured in order to be popular in those districts. I do not mean to say that the manufacturers colour butter with the intention of having it fraudulently sold; it is to take the eye in the various districts that it is sent to.

3115. You make food as palatable to the senses as you can manufacture it; that is your point?—Yes.

3116. Is there anything else that strikes you in regard to Scotland that you have not been examined upon?—There is nothing else that I remember regarding Scotland.

3117. Just answer this question will you, please: Do you think that there ought to be any central authority having special supervision over the butter and dairy trade in addition to, or over and above the local authority?—I do think so. I think there is a great lack of supervision in regard to this trade.

3118. How would you propose to amend that?—I have not thought out any plan regarding that, but I certainly would have the authority stirred up in some way; there should be some organisation that would tackle that question.

Mr. *Jeffreys*.

3119. I suppose you deal very largely in margarine yourself?—We sell a large quantity of it.

3120 Do you deal more largely in margarine than in butter?—No, we sell most butter.

3121. You said just now that in former days you thought there was less fat used for margarine because the number of cattle was less, did you not?—I said there was less fat produced in this country formerly than what is produced now, owing to the quantity of butcher's meat that is consumed now.

3122. That is to say, that there were less cattle in former days than there are now?—Fewer fat cattle.

3123. But you are not aware I suppose that in 1883 in Great Britain there were less cattle by 311,000 than there were in the proceeding year?—No.

3124. And in 1892, I suppose you are not aware, there was a diminution of cattle of 426,000 as compared with the preceding year?—No.

Mr. *Jeffreys*—continued.

3125. So that according to the agricultural statistics the cattle are diminishing in numbers?—But you do not take into account the importation of American cattle.

3126. I thought you said that the fat used was the fat of English cattle?—I did not intend to say that; I mean the fat that is being produced in this country, whether grown or imported, from the animals killed.

3127. Now, with regard to the licensing of dealers, you thought that it would not be of much use; but would it not put the purchasers on their guard if there was a license stuck up over the shop, "We sell margarine"?—It certainly would as far as that went; but the inspectors would have as much work to do watching the unlicensed dealers.

3128. But, so far as regards the public, it would rather put them on their guard, because when they went into a shop where there was a license to sell margarine they would take care that when they asked for butter margarine was not given by mistake for it; would not that be so?—It would certainly do away with that; but I fail to see why the shops should be duplicated for this article and not for any other article.

3129. You said that a great deal of milk was used in the manufacture of margarine; what kind of milk is that?—The best milk, as it comes from the cow.

3130. Is it used extensively abroad as well as here?—It is.

3131. Margarine is made up with a mixture of fat and pure milk?—Yes.

3132. And you think a large quantity of pure milk is used in England for its manufacture?—Yes, there is a very large quantity used.

3133. With regard to the particular packages; it is the custom, as I daresay you know, and it is the law abroad, that margarine should be sold in particular shaped packages; why should not that law be enforced here?—I would have no objection to that law being enforced here, but I do not see that it would do away with the fraudulent sale of margarine in any way whatever.

3134. On the other hand, again, if the public saw "Margarine," or anything, on a particular package, they would thereupon be on their guard; they would know that it ought to be margarine, and not butter, would they not?—But those in Scotland who sell the most margarine sell it according to the Act, and the public are not afraid to buy it.

3135. No; because the margarine comes, you said, in those white spruce pails, and that at once stamps the margarine as margarine?—But the public rarely see it in those white spruce pails. The bulk of it is sold put out on marble slabs, or in tubs from which all the butter is sold.

3136. And when it is put out that is where we have been told the adulteration comes in; when it is on the marble slabs and taken out of the packages?—I do not see why it can be done in that way any more than when it is sold from the package. If they wish to sell it from the package fraudulently all they have to do is to turn the brand round.

3137. But you would have no objection, you

Mr. *Jeffreys*—continued.

say, to the law being enforced to sell it in particular packages?—None whatever.

3138. With regard to butter and margarine being of the same colour, what is the natural colour of margarine?—It is hardly white, but it is pretty near it.

3139. But then all butter is not white, is it?—Unless it is made from milk from new calved cattle it is pretty white.

3140. That is your experience in Scotland, is it?—That is my experience.

3141. But English butter is not white?—I have no experience of English butter.

3142. There is a great deal of difference in the colour of English butters; English butter made in summer, and even in winter, from Jersey and Guernsey cows is yellow?—Yes, but supposing that margarine was made from that milk it would be of a yellow tinge as well.

3143. Then you would not like to have a law enforced for the sale of margarine in its natural colour without any colouring matter put into it?—I would object to that.

3144. Why?—Because I think that the poorer people who buy it have a right to get the margarine coloured, as well as the wealthier man has to get his butter coloured.

3145. What improvement is it that margarine should be a different colour?—It is the same as butter is; it is more pleasing to the eye.

3146. They would like to pretend that it is butter, do you mean?—They like butter of a certain colour, and they like margarine of the same colour; it is a matter of taste.

3147. Certainly; but, I ask, if they like margarine, why should they not use it in the natural colour?—I do not think we have any right to dictate to people what they wish in colour.

3148. No, but the right that we have is to see that they get the article they wish for; and if margarine is coloured you must see that there is much more liability to a mistake being made between it and butter?—Yes, but the provisions of the Act can prevent that if they are enforced.

3149. Then I ask you again, why do you object to margarine being sold in its natural state as a prevention against adulteration?—Because I think that poor people have as much right to have their taste pleased as the purchasers of butter have.

3150. But the colouration does not make any difference in the taste, does it?—No, nor does the colouring of sugar make it sweeter, but it is nicer to the eye.

3151. Then you think that margarine ought to be doctored up in some way so as to make it look as much like butter as possible?—I think margarine has as much right to be doctored as sugar or butter has.

3152. You say that there ought to be more inspectors; by whom would they be paid?—The costs of the prosecution would help to do that, I should think.

3153. That would not be sufficient. Would you have them paid by the local authorities, or by the State?—By the State, I think.

3154. And you think that a great many more inspectors are required in Scotland?—Not a great number, but there are more wanted, decidedly.

Mr. *Channing.*

3155. With regard to margarine, I think you said that the poor peoples' taste ought to be pleased by making it attractive in appearance?—Certainly.

3156. As a matter of fact, its appearence does make it resemble butter, does it not?—It does.

3157. Is not the real motive for making it so attractive that the profit on a pound of margarine is about two or three times that on a pound of pure butter?—I do not see that margarine manufacturers can be blamed for that. Beetroot sugar is coloured to look like pure cane sugar, and no objection is taken to that. They are not the same colour naturally; whereas butter and margarine are pretty nearly the same in their natural state.

3158. But, as a matter of fact, the profit on a pound of margarine is about double or treble that of a pound of pure butter, is it not?—It is not so with those who sell it honestly; and they sell most of it so far as Scotland is concerned.

3159. Is there much margarine sold in Scotland, or elsewhere, at a small margin of profit over the cost of production?—There is a large quantity of margarine sold at a very small profit in Scotland. The 6*d.* a lb. margarine does not afford a large profit at the present time; the quality is made so fine that there is not a large profit in it.

3160. Is it not the case that margarine is worth from 35*s.* to 60*s.* a cwt., and butter from 50*s.* to 105*s.* per cwt.; is there not a considerable difference in the price between a hundredweight of margarine and a hundredweight of butter?—Certainly.

3161. What would you say was the highest and the lowest prices of margarine?—For really good margarine just now the retail man is paying from 38*s.* to 42*s.*

3162. Per cwt.?—Per cwt.; that is being sold 6*d.* per lb., and in some cases at 5*d.* per lb. The finest Australian butter, or at least the really fine Australian butter, can be bought just now by retailers at about 82*s.* to 88*s.* per cwt.

3163. And what does the retailer sell it at?—He will be selling it in some cases at 1*s.* and in others at 11*d.* a lb.

3164. What is the comparative profit on the two transactions?—I think I have made that plain. The margarine is being bought at say from 40*s.* to 42*s.* per cwt. and sold at 5*d.* and 6*d.* per lb.

3165. Where is the margarine sold at those low rates?—There are a number of shops in Glasgow selling it at 5*d.*, and almost every shop of any consequence is selling it at 6*d.*

3166. I have seen a shop at Northampton with "margarine" over it, and margarine labels all over the shop window. Have you shops of that kind in Glasgow?—Yes.

3167. In order to prevent fraudulent action, which I understand you to condemn, would you have the shops compelled to sell only margarine or only butter?—I would not have them compelled to sell only margarine. We have no shops in Glasgow, so far as I am aware, selling only margarine.

3168. Why not, if it is so popular with the poorer classes?—I do not think it would do away with

Mr. *Channing*—continued.

with the fraud, because the shops where they did not sell margarine might sell it. An unscrupulous man would sell it then as well as now.

3169. But it would be much more easy, would it not, for the inspectors if it was understood that the shop was registered to sell margarine or registered to sell butter?—He would require to inspect the shops that were not registered.

3170. There would be no question then as to whether a certain article that you saw purported to be margarine or butter, because by the registration of the shop it would be compulsorily one or the other, and any deviation from that would be a fraud on the face of it?—I cannot see that the duplication of shops would do any good towards the suppression of fraud.

3171. You say that margarine is a very favourite article of food, and I do not see why you do not adopt that method. It would advertise itself in that way, would it not?—The object is to put down fraud; but still, if you put margarine out of butter shops, and did not allow them to be sold together, the unscrupulous dealer would still get in margarine and sell it as butter.

3172. Do not you think that it would be more easily detected?—I think it would be worse to detect.

3173. I understand that you do not wish to prohibit mixtures?—I do not. I think that, if two shopkeepers, one on each side of a street, are selling a 6*d.* margarine, and if the one says, "I will put 10 per cent. of butter in it, and improve it to that extent," I see no reason why he should be hindered from doing so.

3174. Do any retailers indicate by notices in their shops, or labels attached to certain articles, that there is a certain proportion of butter in them; do they give any guarantee that there is so much admixture?—Some of them do; but it is not a common practice. The common thing is simply to label it with the regulation tin.

3175. You know Mr. Lovell, I suppose, by reputation, of the firm of Christmas and Lovell?—Yes.

3176. Are you aware that he has expressed a strong opinion against having any admixture at all?—They do more largely, I think, in butter than in margarine, and perhaps their sympathies are all the more with butter.

3177. Are you aware that there is a prohibition of admixtures in Germany?—Yes, I am aware of that.

3178. They allow a certain proportion of milk, but no admixture of butter?—They may be prohibited, but the exportation does not seem to be prohibited.

3179. Of mixtures?—Yes.

3180. And you would not prohibit artificial colouring?—I would object to the prohibition of colouring.

3181. Do you wish to have any strengthening of the Custom House regulations as to examining all butter and margarine at the port of entry?—Yes, I think it would be a wise plan.

3182. And you approve of travelling Government inspectors?—Yes, I would approve of that.

3183. And also you would approve, I should understand, of having deputies, who are not known in the localities, to take samples?—Yes, there would be no harm in that.

3184. I suppose you are familiar with the Margarine Act, and the 7th Clause of that Act; do you think that that clause gives an opening to fraud?—Is that with regard to putting the blame on the employé?

3185. No; the question I mean is this: That where a man imports butter from abroad, and it is found to be adulterated, he escapes by saying that it was represented to him as good butter. Do not you think it would be wiser to put the responsibility on the importer?—It would be hard on any person importing butter which he really understood to be genuine, and which he found afterwards was adulterated; it would be hard that he should be fined for that.

3186. Do you not think that he could take precautions, either to deal with honourable firms, or else to have his own expert to examine the imports?—Suppose he gives a "f.o.b." order, and he has to take it as it lands, I think it would be oppressive if he were held to be the culpable party.

3187. You would object to that being altered, then?—Yes.

3188. Now, is this merely a question of price. You said that there was not so much injury to the agriculturist, because the price of butter has gone down, which is, to a certain extent true, but the question that we have to deal with is not merely a question of price, is it?—It is not a question of price.

3189. That is to say, the purchaser has a right, by the laws of the land, to get what he offers to buy, and what the seller offers to sell?—Yes.

3190. So that those interested in your industry are bound to take every precaution to carry out that principle?—I admit that.

Colonel *Bagot.*

3191. Did I correctly understand you to say that margarine was worth, roughly speaking, about half as much as butter?—Yes, at the present time.

3192. Therefore, of course, if a man buys margarine and pays the same price as for butter, and thinks he is buying butter, he is defrauded by about 50 per cent.?—I do not know of anybody doing that. I do not know of anybody buying 42*s.* margarine at the price of the best butter. No retail man could keep up a business on that footing.

3193. Is there not a very large consumption of butter, possibly almost the largest, in hotels and restaurants, and eating places of all sorts?—Yes.

3194. All over the country?—Yes.

3195. If a man at one of those places pays for butter (as he would pay for bread and butter), and it is margarine, the proprietor of the hotel, according to your figures, would be making a profit of about 50 per cent. out of his customer, would he not?—I do not think that any hotels of consequence would do that.

3196. I do not mean the big hotels of any consequence; I mean rather the small class of hotels and

Colonel *Bagot*—continued.

and eating shops?—Certainly, he could do it if the customer would take it.

3197. If the margarine is coloured there is no means for an ordinary customer to know whether he is eating the one or the other, butter or margarine, is there, because they are both of the same colour practically?—But even a private person, who knows anything of butter at all, could detect it.

3198. I am talking of the ordinary public, not of experts in any way, who eat bread and butter?—I do not refer to an expert when I say that.

3199. You think they can tell the difference between margarine and butter when they get it in places of that kind?—They would not be very well pleased with the sixpenny margarine.

3200. Do you think that they would be able to tell the difference better if margarine was not allowed to be coloured at all?—Yes, they certainly would.

3201. Therefore, as they would know the difference better, there would be less opportunity for those restaurant keepers to perpetrate fraud by which they make nearly 100 per cent., would there not?—But they are a very small proportion of the restaurants.

3202. Do you think that there is very little business done in the restaurants of the lower sort?—No, a large business; but it is a small proportion in comparison to the whole.

3203. You told us that, in your opinion, on the average, butter and margarine, when they came out of the churn or out of the manufactory, were pretty much of the same colour?—Yes.

3204. By that do you mean that if margarine was not allowed to be coloured at all it could still be mistaken for butter?—Yes, I think almost as nearly.

3205. But only for very light-coloured butter, I suppose?—It depends upon the milk, as milk has the same effect in each.

3206. But butter made with a high-coloured milk would be of a darker colour, would it not?—No, in England it would come out the same as margarine, perhaps not so pronounced, but nearly so.

3207. Have you ever seen margarine come out the ordinary yellow of butter?—It could be made so with certain kinds of oil.

3208. But I am talking of pure margarine; do you think that even the darkest milk would make it the colour of butter?—It would tinge it, certainly.

3209. You think it right to colour margarine, you say, because you think poor people like it?—Yes.

3210. Is that the only reason; is it not because it looks like butter?—No, the manufacturers of margarine do not colour it for that reason; they colour it to sell.

Mr. *Colman.*

3211. Do I rightly understand your contention to be that if margarine has somewhat injured the farmers it has been for the good of the consumers?—It has been for the good of the consumers.

3212. And that, speaking generally, it is a very wholesome article?—It is a wholesome article.

Mr. *Colman*—continued.

3213. It is a wholesome article. Touching this question of licences, have you many shops in Glasgow that are devoted simply to the sale of butter?—We sell to retailers; we have no shops. There are a few that do not sell margarine, but very few.

3214. That is not my point. My point is rather this: whether butter is sold at separate establishments, or whether it is sold generally by grocers?—Generally by grocers and provision merchants.

3215. Are there not many shops that are solely devoted to the sale of butter?—Not many. In fact, I do not know if there are any; I do not know of any.

3216. Do most of the grocers who sell butter sell margarine as well?—Most of them do.

3217. Then, in other words, if licences were wanted for the sale of margarine it would mean practically that nearly all the grocers would have to take licences out?—It would mean that.

3218. Do you think that they would object to that?—I do not think they would; but I do not see the necessity for it.

3219. Do you think that it could be carried out?—I think there could be no difficulty in carrying it out.

3220. Now, on the question of the colouring of beetroot sugar, do we rightly understand that that is common with all beetroot sugars?—I understand that it is the regular system.

3221. Have you any idea as to how it is done?—I have no idea how it is done.

3222. But it is coloured, you believe, in order to imitate cane sugar?—It is not coloured, it is whitened.

3223. Whitened in what way?—By some chemical process.

Mr. *Lambert.*

3224. You said, I think, that the sale of margarine has greatly benefited the consumer?—It has greatly benefited the consumer.

3225. And you also said that margarine is not coloured to imitate butter, but merely for the purpose of making it a palatable colour for the consumer?—I say so.

3226. Why is it that the margarine manufacturers, having a wide range of colour to choose from, pink, red, and all other colours, have not chosen one of them rather than the colour which actually imitates butter?—It is not the manufacturer's option to fix the colour; it is his customers' tastes that he colours to suit.

3227. Why should not their taste be equally well pleased to have a more attractive colour than that of any butter?—It is difficult accounting for a fashion; but it is a fashion; it is the taste of the people, and the manufacturer has to act accordingly.

3228. And the manufacturer really colours his margarine to imitate butter?—He does not; he colours it to please his customers.

3229. And his customers possibly think that they are buying butter?—Not necessarily.

3230. Possibly?—Not necessarily.

3231. Is

Mr. *Lambert*—continued.

3231. Is there any fraud at all perpetrated?—Certainly.

3232. And, therefore, possibly margarine may be sold as butter?—Possibly.

3233. Why should margarine be coloured to imitate one particular product of British agricultural industry?—I might as well ask why cheese should be coloured. Cheese is not coloured the same for each district.

3234. But cheese is not coloured to imitate anything else?—Neither is margarine, if it is coloured to suit the public taste.

3235. But that particular colour happens to be the colour of butter?—Yes, but the margarine manufacturer cannot help that.

3236. But is not that very singular?—Worcestershire cheese is coloured the same as butter.

3237. And you justify the colouring of margarine to imitate butter, or the same colour as butter, because you say that beetroot sugar is coloured to imitate Demerara sugar?—I do not justify it for that reason at all. I justify the colouring of margarine because it is the popular taste.

3238. And you also say that beetroot sugar is coloured to imitate Demerara sugar?—No, pure cane sugar, I said.

3239. But it is done?—It must be done, because they are sold the same colour, and they are not so originally.

3240. Have there been any complaints on the part of those interested in the pure cane sugar?—I cannot say that at all.

3241. What is the difference between pure beetroot sugar and pure cane sugar?—They are bleached till they become of the same colour. In its original state beetroot sugar is much darker.

3242. What is the difference between pure white beetroot sugar and pure white cane sugar?—The beetroot sugar is of less value.

3243. Can you chemically detect any difference?—An experienced man or a sugar merchant could detect the difference.

3244. I want to come to a point about this. Can chemists detect the difference between pure beetroot sugar and pure cane sugar?—I understand they can.

3245. I am informed the contrary. Chemists can detect margarine from butter, can they not?—Yes.

3246. But if they cannot detect cane sugar from beetroot sugar, then, of course, there is a difficulty in preventing that fraud; but there would be no difficulty, if margarine were sold in its natural colour, in preventing margarine being sold as butter, would there?—But that would be a hardship to the poorer classes.

3247. Why is it a hardship to them to have a thing sold to them not under the pretence, or at any rate under the possible pretence, of being what it is not?—There is no poor person who requires to purchase butter for margarine. There are hundreds of shops where they know they can get it, and they have as good a right to have it coloured to their taste as I have to get my butter coloured to my taste.

3248. But is it not the fact that margarine may be coloured to imitate butter, and that those people may be deceived?—It is for the Act to prevent that.

3249. Would it not be much easier for the inspectors to prevent that if margarine were not coloured at all?—That would be an injustice to the poorer classes.

3250. Would it not be easier?—Yes, it would be easier.

Sir *Charles Cameron.*

3251. Butter is artificially coloured, is it not, and permitted to be artificially coloured?—It is.

3252. That is all I ask you on that point; but there is just one other point I want to put a question upon. You do not, I understand, object to the sale of mixtures?—I do not.

3253. Do you think there would be any objection to selling mixtures not as margarine but as mixtures?—There would be no objection; only I think there is no necessity for making the distinction.

3254. You would be following out the principle that is applied in the case of coffee and chicory, would you not?—Yes.

3255. And selling the thing as what it really was?—Yes.

3256. Whereas in selling mixtures as margarine you are not selling it for what it really is, but you are compelled to put a false name to it; is not that so?—In a sense it is.

Mr. HENRY VAN DEN BERGH, called in; and Examined.

Chairman.

3257. I BELIEVE you have been appointed by the London Chamber of Commerce to give evidence on behalf of the margarine trade?—Yes.

3258. Have you been long engaged in that trade?—Since 1872.

3259. And you are connected with a large business, I believe?—Yes.

3260. In 1872 you began to study it?—Yes, in 1872 I began to study it, and we started very shortly afterwards.

3261. Where did you study the margarine business?—In Paris; I went to M. Mege Mouriez, the inventor, who gave me all the information about the manufacture.

3262. What do you mean by his being the inventor?—He was the first person who discovered margarine as an article of food.

3263. And you studied with him the methods of making this article?—We were in the butter trade, and, naturally, when we heard of this new invention we wanted to know something about it; accordingly I went to Paris and gained this information from M. Mege Mouriez, and the information was of such a nature that we at once decided to start a business.

Chairman—continued.

3264. Then you decided to give up the butter business and go into the margarine business?—We did not at that moment. We decided to start the margarine business at once, and afterwards we decided to give up the butter business.

3265. And the result has been that you deal in margarine solely now?—Yes.

3266. Do you label everything that you send out as margarine?—Yes.

3267. And the quantity of margarine you turned out last year was very considerable, I think?—Sixty-six million lbs., 33,000 tons.

3268. And all that was branded and shipped as margarine?—Branded and shipped according to the Act. Would you allow me to show you some of our advertisements in the papers? (*Handing in the same.*)

Sir *Mark Stewart.*

3269. Were those 33,000 tons made in France?—They were all made in Holland and Germany. It is not all sold in this country. The invoices are printed with the word "margarine," so that no mistake can be made.

Chairman.

3270. Are the packages in which you send it out indelibly branded "margarine"?—Some are branded and some are stencilled. I have some packages here to show you.

3271. I should like to see them, please?—I have brought some of our margarine baskets, because it has been said that the labels can be taken off. These are fixed on so that they cannot be taken off (*exhibiting a basket with the word "margarine" branded on the lid, and on the back and front*).

3272. Are these the only form of basket that you use?—We use two forms. I have both forms here.

3273. What is the other form?—This is the other form (*exhibiting another basket with a tin label attached to the same parts*).

3274. This form of label can be taken off more easily than the other?—It is interwoven. I may state that in 1887 I submitted a similar basket to Mr. Thomas, of the Local Government Board, and he said that it was quite acting within the requirements of the Act.

Mr. *Lambert.*

3275. Still, that tin label could be easily removed?—But you can see when you remove it that the twigs have been cut. But, with regard to other packages, I should like to make an observation. It has been stated here in evidence that we pack margarine in the shape of Irish rolls; but the party who stated that forgot to state that inside there is a board with the word "margarine" in every package. This (*exhibiting a box*) is the case that Irish rolls are packed in. It always has *this* brand (*pointing out the same*) when it is used for margarine, so that there cannot be any mistake about their being taken for Irish rolls. These cases you see in all the shops all over Lancashire.

3276. And when you send margarine out in Irish rolls you only send it out in boxes branded like this one?—Yes; the other manufacturers do the same thing.

Mr. *Lambert*—continued.

3277. Your company is engaged in supplying the wholesale trade in town and country, I believe?—Yes.

3278. Do you also do any retail business?—We do no retail business; we supply large retailers.

3279. And do you supply any public institutions?—We supply the County Council, Asylum Boards, and several other public institutions.

3280. Is what you supply to them margarine sent out in these packages?—Yes.

3281. But not stamped in the substance as margarine, is it?—There is a paper on the top of the packages, stating whether they are margarine or mixtures.

3282. But each pat is not stamped "margarine"?—We do not supply pats to the institutions; it is in bulk.

3283. You were visited by the Select Committee appointed by the French Chamber to consider the subject of margarine, were you not?—Yes.

3284. And they published a report on their manufactory on their return to France, I think?—They did.

3285. What was the nature of that report?—They spoke very favourably of the manufacture of margarine, and they also took with them, I think it was, six declarations signed by the mayors of different places, stating that the price of milk had gone up in consequence of the manufacture of margarine.

3286. Have you any places in this country?—No, that was in Holland.

3287. Is that the experience in Holland, that milk has been sold for a higher price in consequence of the manufacture of margarine?—Decidedly; we use from 80,000 to 100,000 lbs. per day of milk; it is from 40,000 to 50,000 litres, and a litre is just about 2 lbs.

3288. You use that quantity of milk daily in the manufacture of your margarine, do you?—Yes.

3289. Does that milk give a colour to the margarine?—It depends upon whether it is summer milk or winter milk.

3290. The ordinary colour of margarine is nearly white, is it not?—It depends upon what time of the year it is made. In summer time if you made margarine from oleo from grass-fed cattle and from highly-coloured milk, naturally you would not have a white margarine.

3291. You would have a yellowish margarine?—Yes; whereas, on the contrary, if you made it in winter time of oleo from the fat of stall-fed cattle, and milk from stall-fed cattle, you would have a white margarine.

3292. Do you colour that margarine in addition to its natural colour?—We colour it in winter time, and in summer time also, if it is required.

3293. Do you colour it to make it closer in colour to butter?—We colour it to make it attractive to the taste of our purchasers.

3294. But it does look like butter?—It looks very closely like butter.

3295. So that an ordinary person passing could not tell the white of margarine from the white

Mr. *Lambert*—continued.

white of butter by the colour?—No, he could not.

3296. Do you consider that this margarine is a useful article of food?—Certainly.

3297. Do you think it is as nourishing as butter?—I think it is quite as nourishing as butter.

3298. What evidence can you give the Committee on that point?—I have here with me some printed evidences of that, but these are rather from former years. (*Handing in some papers.*)

3299. I think there are one or two here that you might read. You might read, for example, the opinion of Lord Playfair?—Lord Playfair, F.R.S., in the House of Commons, on the 1st April 1881 (he was then Sir Lyon Playfair, M.P.) stated, "Good butter would never be driven out of the market by oleo-margarine, because the latter had not the fine flavour of the former; but bad butter certainly would, he hoped, therefore the result of the discussion would be to teach the farmer that he had no chance of competing successfully against good oleo-margarine with bad butter, and oleo-margarine would sooner or later drive bad butter from the market."

3300. That is only a statement of opinion. You have some chemical evidence as well. Will you read the opinion of one or two of the chemical experts; what does Professor Odling say?—At the Society of Arts, on the 10th December 1884, Professor W. Odling, M.B., F.R.S., stated as follows: "Butterine, at any rate, would achieve among the working classes a very high degree of popularity, and by degrees the prejudice would disappear. In holding these views, he was in very good company, for there was scarcely any scientific man who had taken upon himself to investigate the subject, who had not expressed himself in more or less similar language."

3301. Then Professor Redwood also approved of it, did he not; and Professor Tidy. Will you give me their opinions?—Dr. Charles Meymott Tidy, Professor of Chemistry and Forensic Medicine and Public Health to the London Hospital, &c., stated in his evidence in the High Court of Justice, 25th April 1883, "As a matter of fact, fat is an essential article of food, and, as far as we know, there is no physiological difference between the action of pure butter fat and butterine; the one is really as physiologically good as the other, provided they are equally pleasant." And Dr. T. Redwood, Professor of Chemistry at the Society of Arts, on the 10th December 1884, stated, "Viewing the matter in the abstract simply as a question how far oleo-margarine or butter was a good and suitable article of diet, the use of which might be freely encouraged, he had no hesitation in expressing his opinion as highly favourable to it." Then I have another report, I think, here of collateral evidence.

3302. Will you read it, if you please?—This is an extract from Dr. Heinrich Fränkel's pamphlet, "The Struggle against Margarine." It was published at the instance of the agriculturists in Germany.

3303. Will you read briefly such portions of that as you think proper?—I have only taken a few portions of it: "On the occasion of a meeting of the Imperial Academy of Sciences at Vienna (Class, Natural Science), which was held on the 25th February, Dr. Adolphe Jolles read a paper on 'Margarine, its Digestibility and Nutritious Value, as compared with Pure Natural Butter.' This report, which has been inserted in the minutes of the sittings of the Academy, and published separately (Vienna, Tempky, 1894), is based on exhaustive experiments, investigations, and calculations made by the aid of all scientific auxiliary means, and expresses, as a final result, the following dictum, to wit, 'that under similar circumstances entirely pure margarine possesses the same degree of digestive properties and the same nutritious value as entirely natural butter.' I have before me a series of analyses and opinions issued by official chemists. From these I glean the material in point. Dr. G. Lange, judicially sworn chemist at Hanover, describes the margarine examined by him as being 'a product of fresh odour and taste;' and continues: 'The comparison with good natural butter, which I bought personally, gives the following results: Sweet cream margarine'" (he calls it "sweet cream margarine"): "'Water, 10·45 per cent.; common salt, 1·27 per cent.; casein, 0·56 per cent.; milk (lacteous) sugar, 0·38 per cent.; fat, 87·05 per cent.'" Against that he has: "'Natural butter: Water, 11·56 per cent.; common salt, 1·59 per cent.; casein, 0·57 per cent.; milk (lacteous) sugar, 0·39 per cent.; fat, 85·69 per cent.'" So that it is nearly alike in its composition. "Therefore, sweet cream margarine contains a greater percentage of fat than notoriously pure good, natural butter, the latter containing, as a rule, more water; sweet cream margarine has, as a means of nutrition, the same value as natural butter; it is a substitute for natural butter much to be recommended. The municipal testing station for victuals, high-class provisions, and objects for domestic use at Osnabrück, of which Dr. W. Thörver is the director, gives the following as the result of some comparative analyses made with 'best natural butter,' to wit: 'Sweet cream margarine: water, 9·3 per cent.; common salt, 1·6 per cent.; casein and lacteous sugar (which he puts together in this instance), 1·16 per cent.; fat, 88·3 per cent. Natural butter: water, 11·06 per cent.; common salt, 2·8 per cent.; casein and lacteous sugar, 1·2 per cent.; and fat, 85·75 per cent.'"

3304. Now you have got also the report of a Mr. Crump which you would like to give to us:—Yes. This is the report of a lecture by Mr. Crump, M.A., before a meeting of the Scientific Society, on Wednesday, 20th March 1895.

3305. What scientific society was that?—I do not know whether it was in Halifax or in London; the report does not say. "It is found upon analysis that from 10 to 14 times more volatile acid is contained in butter than in margarine, and the neutralisation of this forms the chief estimate of the quality. To the non-chemical student, the greatest difficulty may be experienced in detecting the one from the other, while the nutritive qualities of both were much the same."

Mr. *Lambert*—continued.

3306. Who is Mr. Crump?—I do not know anything except what I have read about him.

3307. Is he a professor of chemistry?—It does not say.

Sir *Charles Cameron.*

3308. From that opinion of his you place considerable reliance on his judgment, I presume?—No. I think that if people are allowed to lecture in a scientific society, they ought to be capable of judging.

Chairman.

3309. But you do not know what the scientific society was?—The report is published in a Halifax paper.

3310. We must take it for what it is worth?—Certainly. I have here another report from Dr. Jolles, which I think is very important.

3311. That is a further one?—This is different. It was read before the International Hygienic Congress at Buda-Pesth.

3312. Yes, that was an important gathering?—It is an extract from a lecture delivered by Dr. Adolph Jolles (Vienna) before the International Hygienic Congress in Buda-Pesth, September 1894: "One quality which particularly distinguishes margarine product is, as is well known, its keeping property. I myself had an opportunity of inspecting (before and after the Exhibition) two samples of hermetically packed margarine which were exhibited at this year's International Exhibition for nutrition of the people and of the army. The interval was about four and a-half months, and I have found that taste and odour were perfectly unaltered, and that there was no chemical alteration whatever. It is strange that these great keeping properties are not as much appreciated as they deserve. For example, margarine products are not considered at all for military purposes, although they could render excellent services during manœuvres." I have not taken all the report, I have taken some parts of it; he says: "It is interesting that in Switzerland artificial butter must contain 25 per cent. of pure butter. The Swiss agriculturists based this enactment on the ground that the artificial article being already allowed to be sold, the manufacturers of this product, the competition of which must not be underrated, should at least be compelled to buy from the agriculturists the natural butter."

3313. Then in the interests of the agriculturalists in Switzerland, the manufacturer of margarine is compelled to put 25 per cent. of natural butter into it?—Yes. It seems to me strange that, in one country, in Denmark, they allow 50 per cent.; in Germany they do not allow butter at all, and in Switzerland it is compulsory to have 25 per cent.

3314. Have you any specimens of the raw material here that you can show us?—Yes, I have. This is the oleo pure and simple (*producing the same in a bottle*).

Mr. *Jeffreys.*

3315. Made from what?—The beef fat of the cow.

Chairman.

3316. It is made from the *omentum* chiefly, is it not, the inside fat of the animal?—Yes, it is the so-called caul and gut fat.

Sir *Charles Cameron.*

3317. Is this summer oleo?—I do not think so.

3318. It is the colour that made me ask; it is very yellow?—I could not say. I telegraphed for it yesterday, and it came over this morning. This is a new article called Neutral Lard (*producing a bottle of the same*).

3319. What is it made from?—It is made from the leaf of the hog.

Mr. *Jeffreys.*

3320. Is this coloured at all?—No, it is not coloured; it is the natural colour. This is the Arachide Oil which we use for the best quality margarine (*producing a bottle of the same.*)

Chairman.

3321. You use this oil to add to the margarine?—Yes.

3322. For the purpose of colouring it?—No; for the purpose of making it of the desired texture.

3323. Softening it?—Yes.

Mr. *Channing.*

3324. Not enough is added to produce that colour?—No; this is the second quality oil: sesame oil (*producing a bottle of the same*).

Sir *Mark Stewart.*

3325. What is that made from?—From a seed called sesame; it is grown in the Mediterranean.

3326. Have you any other oils to show us?—This is the lowest quality oil, the American cotton seed oil (*producing a bottle of the same*).

3327. These are all used for the purpose of giving the required texture to the margarine?—Yes, but we only use a certain quantity. If it goes above that quantity we use the neutral lard to give it the desired consistency.

3328. So that when you manufacture margarine made from beef fat you may add to it any of these oils to give it the proper consistency; and if the consistency requires it you may add some neutral lard, which is the fat of pigs, to restore the necessary consistency?—We could get the texture with the oil, but when we put too much oil it gets an oily flavour, and we give a certain amount of neutral lard to give it the desired consistency.

3329. So that the final product consists of a large proportion of beef fat and a small proportion of pork fat and some oil?—At certain times of the year it will not contain any pork fat. In summer time, and at times when it is very hot, we leave all the vegetable oil out.

3330. Have you any other raw samples which you wish to show us?—I have here quite the newest thing, that is Mutton Oleo (*producing a bottle of the same*); but there is very little of that, because the quantity of leaf in a sheep is so small that there is very little of that produced.

3331. When you make margarine you do not colour

Sir *Mark Stewart*—continued.

colour it to imitate butter, you say?—We colour it to make it attractive, because people like it so.

3332. But butter is attractive?—Yes, if it is coloured; if not, when it is made in winter time it is white.

3333. But the conventional colour of butter is the attractive element, is it not?—Yes, the conventional colour is the attractive element.

3334. And it is necessary, in order to make your margarine sell, that you should have it something approaching that colour?—Yes.

3335. Do you think that if the power of colouring margarine were interfered with it would kill the trade?—If the colouring was in any way interfered with it would kill the trade. People could not sell it.

3336. So that, practically, whatever merits margarine may possess of itself as an article of food, and a cheaper article of food than butter, those merits would not be sufficient to keep it on the market unless it had a colour such as you now give to it?—I do not think the merits would be sufficiently appreciated by the people using it unless it was attractive.

3337. Therefore, the colour is essential to its sale?—Certainly.

3338. What is the price of the largest quantity of the margarine imported into this country?—The largest quantity of the margarine imported into this country is sold at 6*d.* a lb., and has proved a very useful article of food for the labouring classes.

3339. When this trade began in margarine sold at 6*d.* a lb., was butter retailed at 1*s.* a lb.?—One shilling and 1*s.* 2*d.* often in winter time.

3340. So that at that time there was a great inducement to fraud, was there not, on account of the vast difference in the price?—I do not say that there was any inducement to fraud, because it was a great boon to the working classes, who could then get an article at 6*d.* a lb. which was a useful article.

3341. But among some dishonest tradesmen there was a great inducement to fraud on their part if they could substitute an article that they could purchase at 6*d.* for an article that would cost them 1*s.*?—But they could not do that; there was a difference in quality between the 1*s.* 2*d.* butter and the 6*d.* margarine.

3342. I am talking of the 1*s.* butter?—Yes, there was a difference between the 1*s.* butter and the margarine.

3343. Do you think there is such a difference between a 1*s.* butter and a 6*d.* margarine that there would be no temptation to fraud?—The 6*d.* margarine is not the highest class article; it is a popular article, because it sells at a popular price.

3344. But even with 8*d.* margarine and 1*s.* butter there would be a great difference in price for the benefit of the seller if he was fraudulent, would there not?—Yes; but if he acted according to the Act, he could not substitute the one for the other.

3345. But I mean before the Act of 1887 was passed?—These cheap margarines only came into the country after the Act of 1887.

3346. Was there no margarine in the country before 1887?—Yes; but the so-called 6*d.* trade was created after the Act of 1887.

3347. Was the price lower before that, or dearer?—I think it was higher.

3348. But the Act itself is a proof, is it not, that it was necessary to do something to stop the substitution of butter substitutes for butter?—I think the Act has done good to prevent fraudulent sale.

3349. Then you think that the margarine manufacturers have really created a demand for the article that they supply?—Yes, I think so.

3350. Do you think it would be sold if it were sold in shops limited to the sale of margarine?—It would be sold; but if the shop was only for the sale of margarine and the rent was high the shopkeeper, perhaps, could not exist unless he had a very large sale. At present they sell both butter and margarine in shops.

3351. And you are not in favour of having separate shops for margarine?—It could not be carried out; small people could not carry it out; it would not pay to do it.

3352. You think the profits would not be sufficient to enable them to live?—No.

3353. Do you think they get more profit on the butter?—At present they get a good profit on both. Butter is cheap enough to let them make a profit, and margarine is cheap enough to let them make a profit.

3354. But if a shopkeeper sold the same quantity of margarine that he now sells of butter and margarine together he would do equally well, would he not?—Perhaps he might not sell the same quantity that he now sells of butter and margarine; some people will only take butter and some will only take margarine.

3355. So you think it is necessary to have margarine and butter sold in the same shops and not in separate establishments?—I think a retailer has more chance of making his business successful if he can supply both demands, butter and margarine.

3356. The chances of fraud, you think, are not sufficient to justify having a separation?—Certainly not.

3357. You think it would injure the trade in margarine if it were sold in separate shops only licensed for the purpose?—A great many people now selling margarine could not sell it under those circumstances. A grocer, for instance, who sells a variety of articles, among them being butter and margarine, would do away with the margarine.

3358. Why?—Because perhaps it would not pay him, for the small quantity he sells, to have a separate shop for it.

3359. But if he had a special licence, with an indication over the door, would not that do?—Not if he lives in a small neighbourhood where there is only a small quantity sold. It would not pay a man who sells five packages of margarine a week to have a separate shop for it.

3360. But he might be licensed, and he might have a sign over his door to say that he sold margarine?—I do not think a licence is required, as the present Act is sufficient to prevent fraud.

Sir *Mark Stewart*—continued.

3361. Do you think it would injure the trade if he had a sign outside his shop?—If he has a case with the word "margarine," or a basket with the word "margarine" on it, the public can see the distinction.

3362. That is if he exhibits it?—By the Act he is compelled to do so.

3363. But the Act is not sufficiently enforced, we are told?— Then it should be enforced.

3364. You think that if the Act was stringently enforced it would be sufficient to protect the public?—Certainly.

3365. Do you think that analyses of butter and butter substitutes ought to be made from time to time either by the local authorities or by a central bureau?—I do not think there is any necessity for a central bureau. Up to the present time the analyses have been made by the usual analysts, and if any difference of opinion has existed it has been submitted to Somerset House; and I do not know what central bureau could improve upon that.

3366. Do you think that the Somerset House test is satisfactory?—I think it is quite satisfactory.

3367. And that we do not want any extension of that central organisation over and above what exists?—I do not think so.

3368. Do you think there is any necessity for central inspectors sent from a central authority?—I think a travelling inspector would do good.

3369. You think he would be useful?—Yes.

3370. Then, in fine, your view about existing legislation is this: that, with the addition of travelling inspectors, it is sufficient to prevent fraud on the public?—I think so.

3371. Would you have any increase of the fines, or any penalty, such as imprisonment?—I think the fines are heavy enough. The fines, I think, are up to 100*l.* This week a man named Edwards, of Gloucester, was fined 50*l.* The consequence of that was that he had to file his petition, and the man was made bankrupt, and his shops are sold.

3372. Was that a first offence?—I do not know. He was fined 50*l.* I know it only because we happen to be creditors.

3373. And that has caused him to become bankrupt?—Yes; his shops were sold, and he was turned out. I think that is a sufficient punishment. He does not want imprisonment.

3374. What was he convicted of?—Selling margarine for butter.

3375. In that case the inspector found out the fraud?—Certainly.

3376. Can you say if that had gone on for a long time previously?—I cannot say.

3377. Have you any suggestions to make in regard to the entry of margarine into this country, whether there should be stricter supervision or not at the port of entry?—That does not affect us; it only affects the butter merchants. All our goods are branded "margarine," and when they are so branded they pass the Custom House. It is only when they are not branded that the inspection should be made.

Sir *Mark Stewart*—continued.

3378. Is the invoice the guarantee of their purity?—We give an invoice; but our invoices are printed "margarine."

3379. And that you consider is a guarantee of the purity of the article?—We print our invoices with the word "margarine," and naturally we guarantee them to be margarine.

3380. Then the buyer of your goods, if he is challenged with regard to the purity of the article, can show your invoices?—But there cannot be any question, if they are marked "margarine," about their being anything else. It is in the case of butter where the invoice should be a warranty.

3381. What is the difference between the higher and the lower price of margarine?—Prices vary from 32*s.* to 54*s.* for margarine; and from 54*s.* to 66*s.* or 70*s.* for mixtures, according to the quantity of butter that is put into them.

3382. Do you import a large quantity of mixtures?—Not a large quantity.

3383. Is it marked separately from the margarine?—It is marked "margarine."

3384. Not "mixtures"?—No, we may not mark it "mixtures," we must mark it "margarine."

3385. If you were allowed to mark it mixtures, would not that stop a certain amount of difficulty?—I think it would be more reasonable if we were allowed to mark it "mixtures."

3386. Would you suggest that, in any alteration of the law?—I should think the word "butterine," suggested by Sir Charles Cameron, would be a good word to mark it.

3387. Is it not an art in the manufacture of margarine to colour it without mixing any colouring matter in it?—We colour it with the usual artificial colouring, anatto.

3388. But supposing you do not use anatto, is there not some process by which you can colour without anatto?—I do not know of any other.

Mr. *Channing.*

3389. Can you give the Committee any information as to whether the Local Government Board Order with reference to the registration of margarine factories is always observed?—I think it is. I have noticed in the Consular Report of Mr. Bles of Manchester, that a great many margarine factories are registered in this country.

3390. You do not know of any evasions of that Order?—No, I do not think so.

3391. One of our witnesses has stated that the exports of butter from Belgium have increased vastly beyond the amount of butter which can be produced in that country. What have you to say about that?—I am not aware of it. I think there is very little Belgium butter coming just at present. At one time there was a great deal of what was called Ostend rolls; but I think that is out of the market at present.

3392. Did I rightly understand you to be in favour of a stricter examination at the port of entry by the Custom House Officers?—I have no objection to that whatever. It does not affect us at all; it only affects the butter merchants.

3393. As a matter of fact now, they only examine

Mr. *Channing*—continued.

examine when representation is made to them? —That is so.

3394. And you would give general compulsory powers to examine at the port of entry without representation?—I think it would be very difficult if all butters were examined.

3395. Not every pound that comes in, of course, but if they were to examine more freely, do you think that would check fraud?—I think where butter is suspected it ought to be examined, and a bond ought to be given in the meantime, that in case it is found to be adulterated the goods are forfeited.

3396. And that suspicion need not depend upon a representation made by an individual?—I think that suspicion ought to depend upon information given. You might suspect any parcel.

3397. Would you limit it to information given? —An importer of butter generally knows when any of his neighbours commit fraud, and he would naturally give that information, which might be acted upon.

3398. You have practical experience of the processes of manufacturing, I suppose?—Yes.

3399. What sort of guarantee can the public have that the fats are always perfectly healthy and of good quality?—They have the analyses, I think; and they can see, and can smell, and can taste, and can find that there is nothing but what is very fresh and good.

3400. Do you take any special precautions yourselves in manufacturing to ensure that the fats are perfectly healthy and of good quality?—We examine all the goods which we use.

3401. I suppose fats may conceivably be offered to you which are unsuitable for use?—They are not used for oleo purposes, they are used for tallow. If there is any fat which is not fresh it is used for tallow, but not for oleo. The very best parts of the fat are used for oleo.

3402. Is that reduced to a system in your factories; do you separately classify the fats?—We only buy those fats which are perfectly sweet and good, and that is the best proof that they are healthy.

3403. Now, about the constituents of, say, a cwt. of margarine; what quantity of these ingredients do you use to produce a cwt. of margarine?—It varies absolutely according to the weather. If the weather is cold a larger quantity of vegetable oil is used, and a smaller quantity of oleo. If the weather is hot a larger quantity of oleo and a smaller quantity of vegetable oil is used.

3404. But what would be the average amount of oleo used?—It varies very much. Say that the largest quantity of vegetable oil would be from 20 to 25 per cent., and the rest would be oleo and milk.

3405. What proportion of the 75 or 80 per cent. would be milk?—It depends also upon whether you are making a mixture or margarine. In a mixture we use milk and cream.

3406. I am speaking of pure margarine now? —We do not use any cream in that.

3407. But you use milk?—Yes, we use milk.

3408. What proportion of the 75 or 80 per cent. would be milk?—That depends upon what quality we make; the better the quality we make, the more we use; but the quantity is a trade secret.

Mr. *Channing*—continued.

3409. You do not wish to enter upon that. One of the previous witnesses spoke of the use of milk in margarine factories being a benefit to agriculturists, and I wanted to know what the weight of milk that went to a cwt. of margarine would be?—It is to the benefit of the agriculturists, because we use from 80,000 to 100,000 lbs. of milk per day.

Sir *Mark Stewart.*

3410. New milk, of course?—Yes, fresh milk.

Mr. *Channing.*

3411. But, without betraying any trade secrets, would the proportion to the cwt. be considerable or trifling?—The quantity which is used is large, but there is only retained about 15 per cent. of it.

3412. The process evaporates a great deal of it?—Yes, a great deal runs out afterwards.

3413. About the oils that you use; they are from 20 to 25 per cent.?—In summer time we do not use any at all; when the weather is warm we have a difficulty in getting it hard enough then without any oil. In winter time, when it is cold, they are introduced in large quantities.

3414. Is one oil used for each quality?—Yes, the ground-nut oil is invariably used for mixtures; the sesame oil is used for the second quality; and the cotton-seed oil for the lowest qualities.

3415. The present price of arachide is about 25*l.* a ton, I think?—I think it is much more than that; it was formerly somewhere about 40*l.*

3416. And what is the price of cotton-seed oil?—The price of that is about 21*s.* a cwt., or 21*l.* per ton; that is much cheaper than it has been for years.

3417. Well, without asking too much about the trade secrets, the profit on the ingredients is very considerable, is it not, in the trade?—It is not now. Do you mean to the manufacturer?

3418. Yes, the profit on the actual ingredients used is very considerable, is it not?—No, the profits come to something less than one farthing per lb., but if you calculate that on 66 million lbs., you will get a very large amount.

3419. That is, taking the cost of production and the cost of the ingredients, you put your profit at only one farthing a lb.?—Yes.

Mr. *Lambert.*

3420. What price is it sold at?—From 30*s.* to 54*s.* or 56*s.*

Mr. *Channing.*

3421. That is with the highest quality of oil? —I suppose it goes by that?—The highest qualities of margarine and the highest qualities of mixtures are made with the arachide, or ground-nut oil.

3422. The 54*s.* quality would be made with arachide oil?—Yes.

Sir *Charles Cameron.*

3423. We have not yet had a complete brief description of the general process of the manufacture of margarine. I do not think that we

Sir *Charles Cameron*—continued.

are likely to have any witness who can give it us better than yourself, and therefore I shall be obliged if you will answer a few questions regarding it. You first get this oleo?—Yes.

3424. That you get in casks, as I understand, from Chicago and a number of other places, where there are great abattoirs?—Yes.

3425. Then in connection with this I will ask you a question or two about these other products. Where do you get the mutton oleo from?—That we get also from Chicago.

3426. You do not get any from Australia?—Yes, a little.

3427. There ought to be a great field for it in Australia, ought there not?—There is a large quantity of mutton in Australia, but I am afraid the goods may suffer on the road; it takes such a long time to come.

3428. With reference to the questions asked by the last honourable Member who examined you, it is just as easy to protect yourselves against disease or anything being wrong with the fat as it is against anything being wrong with imported meat, is it not? Where do you get this neutral lard from?—It comes from Chicago.

3429-30. And have you any idea of the mode of preparing it?—It is similar to oleo; it is taken from the leaf of the hog, and treated in the same way as oleo.

3431. Not mixed with stearine?—The difference is that is not pressed, the stearine is not taken out.

3432. Having got your barrel of oleo you break it up?—We re-melt it.

3433. But you take the hoops off the staves of the barrel?—Yes.

3434. And you break up the oleo and put it into the boiler heated by steam?—Yes.

3435. Into that melted oleo you put as much cotton-seed oil or nut-oil or sesame oil and neutral lard as is necessary to reduce it to the desired consistency?—We do not do it in that way; we melt every article separately.

3436. At all events, the mixture is added to the melted oleo, and the melted mixture, only reduced to a proper consistency, is run into churns?—May I explain it to you?

3437. If you please?—We take the churns and make them first lukewarm; then we run in the quantity of milk or milk and cream that may be necessary; then if we make a mixture we introduce butter and commence churning. When it is about amalgamated we introduce a certain proportion of oleo and a certain proportion of oil. When that is well amalgamated (we keep on churning it all the same), we introduce again a quantity, and that we do until the last quantity goes in.

3438. You make the mixture in the churn, in fact?—Yes.

3439. Do you do your colouring in the churn?—Yes. I was going to explain that, when it is nearly ready, we introduce the colouring matter, and when it has the required heat we run it out of the churn, and it comes into contact with a stream of iced water.

3440. At a very high pressure, is it not?—Not particularly high.

3441. The two streams come in contact at a considerable rate, do they not?—We simply bring it in contact with the current of water, and the mixture solidifies and becomes similar to butter.

3442. And it solidifies in grains like butter?—Yes. Then after it has floated a little while on the iced water we take it off and allow it to stand until it is solid, and then we pass it through fluted rollers, and afterwards treat it in the same manner as butter is treated.

3443. I think that makes the thing very intelligible. Now you are talking about mixtures. If it were decided to have three designations; that is to say, to call margarine "margarine," to call mixture "mixture," and butter, of course, "pure butter," at what percentage of butter in the margarine do you think the word "mixture" might be applied to it?—Commencing with 10 per cent. upwards.

3444. Is that recognised in the trade?—I think it would be; if there were any fraud that would prevent it.

3445. But when you sell mixtures what does the man who buys it of you consider it to contain in the shape of butter; is there no trade understanding?—Yes, the mixtures vary from 5 per cent. to 25 per cent.; we call them No. 1 mixture, No. 2 mixture, and so on.

3446. And you call No. 1, probably, a 5 per cent. mixture?—Yes. I suggest 10 per cent., because there cannot be any difficulty in discovering the amount of butter then.

3447. About the colouring, when you were in the butter trade, I suppose you knew the secrets of it; is it the fact that butter is much coloured in the winter time?—Yes, certainly; it is coloured everywhere.

3448. To bring it up to suit the taste, to make it attractive, as you expressed it?—Certainly.

3449. And you do not think that butter should have a monopoly of artificial adornment?—Certainly not.

Mr. *Jeffreys.*

3450. I only want to ask you one or two questions; you said that you had given up the butter trade to go into the margarine trade; why was that?—When we went largely into the margarine trade the people always suspected that when we supplied them with pure butter it was adulterated; so we gave up the pure butter trade and went into the margarine trade.

3451. So that there should not be any mistake?—Yes, so that there should not be any mistake.

3452. In the same way, why should not grocers take out a licence to sell margarine so that there should be no mistake; you say that they must sell both butter and margarine in the same shop; but it would be known that they sold margarine if they had a licence?—But if they sell it according to the Act they would have a large placard "margarine" now.

3453. But there are a great number who do not sell it according to the Act, from the evidence we have had before us?—The Act must be enforced then.

3454. But that is the point of our inquiry. We have not to inquire into the merits of margarine, but into the adulteration of butter.

You

Mr. *Jeffreys*—continued.

You have been telling us of the merits of margarine, but we want to find out how to prevent margarine being sold as butter?—But the law is there.

3455. We find it is not sufficiently strong?—We maintain that it is sufficiently strong if it is properly enforced.

3456. You think that if there were sufficient inspectors to detect these frauds the law is sufficiently strong?—Yes; I think the ideas about the quantity of margarine which is fraudulently sold is exaggerated. For instance, there come now about 20,000 cwts. of margarine every week into this country, that is 1,000 tons. About 10 per cent. of that is mixture; that makes 100 tons. Assuming that from 5 to 10 per cent. of those mixtures were sold as butter that would only make from 5 tons to 10 tons a week.

3457. That would be from 5 per cent. to 10 per cent. adulterated?—I am assuming that from 5 per cent. to 10 per cent. of the mixtures is adulterated.

3458. Then you have not read all the evidence that has been given before this Committee as to adulteration, I presume?—I have heard a great deal of the evidence.

3459. Do you suppose that you have many customers like this gentleman at Gloucester?—I do not think we have.

3460. Do you think he is a single exception?—So far as I know, all the customers sell the goods for margarine. I call upon them, so I see it in the shops.

3461. Then you think it was an exception. He was fined 50*l.*, did you say, or 100*l.*?—£50.

3462. He would not have been fined 50*l.* unless he had been an old offender, I suppose?—I do not know the particulars of the case.

3463. You know the law well enough to know that no magistrate would fine a man 50*l.* for the first offence, do you not?—I should think not.

3464. Therefore you must suppose that he had been convicted several times before?—I should think so.

3465. As I said, the whole point is to prevent margarine being sold as butter; why, then, do you colour it so as to imitate butter?—We do not colour it so as to imitate butter; we colour it to make it attractive.

3466. But when there is such a fear of it being sold, and you know it is sold as butter, why not either sell it in its natural white colour or colour it in some way, so that it cannot be mistaken for butter?—We say that the bulk of it is being sold for margarine, and only a very small proportion of it is sold for butter.

3467. And in the same way, why do you call it sweet cream margarine?—We do not call it sweet cream margarine; that is the German term.

3468. But you used the expression, I think?—Yes, I used the expression because I had to give a literal translation of the report; but we never use anything but the term margarine.

3469. But you, as a manufacturer, would take any precautions you could to prevent the fraudulent sale of margarine?—Yes, we think the

Mr. *Jeffreys*—continued.

article is appreciated, and the cheaper it is sold the more it will be appreciated.

3470. Then you would not be against any more severe law to prevent adulteration?—We think the law is sufficiently severe. We have to sell a superior article by an inferior name in the case of mixtures.

3471. Do you think you can suggest nothing else that will help to prevent fraud?—The only thing I could suggest would be a travelling inspector who is not known.

3472. Who should be paid by the local government?—Or by the local authorities.

3473. He could not travel in the local district, could he; that would be too small an area, would it not?—I am not in a position to give an opinion as to that.

Mr. *Colman.*

3474. This oil, I presume, gives to some extent the colour and tone to margarine, the yellowish colour?—That depends upon whether it is made in winter or in summer. In summer time it would give more colour when the margarine is made from the fat of grass-fed cattle.

3475. That oil, I presume, is its natural colour?—That oil is its natural colour.

3476. Now butter, which, we are told, is generally coloured, varies a good deal in its natural colour, does it not?—Yes; it varies a great deal between summer and winter.

3477. And also according to the district from which it comes?—Yes, I suppose that has something to do with it.

3478. And the cows used for making it?—An Alderney cow would produce a higher coloured butter than any other cow.

3479. But whilst there is no doubt that butter is, ordinarily, coloured more or less, there is no uniform natural colour for it, is there?—No.

3480. Are your customers chiefly grocers or provision merchants?—Wholesale provision merchants, chiefly, and some large retailers.

3481. Are there many shops that are solely butter shops?—There are a great many shops where only butter and margarine are sold, and nothing else.

3482. That would not be the case generally in provincial towns, would it?—That is so in the provincial towns and also here in London.

3483. Have you any idea what the proportion of those shops would be as compared with grocers' shops?—No; there are a much larger number of grocers, of course, but of late years several people have laid themselves out to have a great many shops at various places where they sell nothing but butter and margarine.

3484. Are there many grocers who do not sell butter or margarine?—I think that most of the grocers sell both butter and margarine.

3485. Then, in other words, if these licences are required, nearly all grocers would have to take out licences?—I think so.

3486. And that, you think, would be much better than having separate shops?—Separate shops would be impracticable altogether.

3487. I am not quite sure whether I quite understood what you said about Somerset House. Have you had analyses of butter from them?—

Mr. *Colman*—continued.

No. It was suggested by the Chamber of Commerce to have a central bureau; but I do not think it is necessary, because whenever there is a difference of opinion among analysts the samples are submitted to Somerset House, and the results that have been obtained are such that we do not think any alteration is necessary.

3488. You mean that you have had experience in your own knowledge of analysis from an ordinary analyst which has subsequently gone to Somerset House for corroboration?—Yes.

3489. How do you find Somerset House generally turn out?—We find it correct.

3490. Have you had many cases in which their analyses were correct?—At the request of Somerset House we made up some samples some time ago containing various quantities of butter, and in each case they found out the correct quantity.

3491. And you consider Somerset House is, as a rule, correct in its analysis?—I should think so from the results that we have obtained.

Mr. *Lambert.*

3492. Have you any margarine of its natural colour here?—The margarine oleo here is of its natural colour.

3493. Manufactured margarine, I mean?—No, I have no margarine here.

3494. What would be the natural colour of margarine?—It depends upon what time of the year you take it.

3495. Well, say this time of the year?—It would be pale; it would be quite white.

3496. Would those oils have any effect upon it in making it brown?—You see the oil is not very dark; that is the oil of arachide: that is not very dark; and when these are amalgamated with a proportion of milk and churned, it becomes much whiter.

3497. Still there would be a brownish tinge, I presume?—I do not think there would be any brownish tinge; it would look very much the colour of lard.

3498. But one would imagine that with that oil there would be a brownish tinge?—You would be surprised to see the difference when it is beaten up together with the milk.

3499. You said that the price of arachide oil was about what?—The price, I think, was about 40*l.* I do not know exactly what the price at present is.

3500. What would be the price of the oleo?—The oleo is 45 guelders, about 37*s.* per cwt.

3501. How much would that be a ton?—£37 per ton.

3502. And what did you say the margarine sold at, the best quality?—The best quality of margarine is about from 54*s.* to 56*s.*

3503. Does not it sometimes exceed that, and get up to 8*d.* a lb.?—That is mixtures.

3504. There would be a very considerable profit from arachide oil at 46*l.* and oleo at 37*l.* a ton, if margarine could be sold for 54*l.*?—But you do not know what quantity of milk is introduced.

3505. I presume about 12 per cent.?—I said that there was about 15 per cent. retained in it; but the quantity that was used I did not state.

Mr. *Lambert*—continued.

3506. But I presume I should not be far wrong in saying that three parts out of 20 would be milk; I do not, of course, wish you to go into trade secrets about that; but now, do you manufacture your margarine in small packages?—In a variety of packages.

3507. What would be smallest?—A 14 lb. basket, I think, is about the smallest.

3508. And would it be in one single lump in the basket?—Yes, it would be in one single lump.

3509. I see that it is manufactured in small lumps, something like butter is sold in half lbs. and lbs.?—There used to be a large trade in pats and rolls, but that has nearly gone out; it is mostly in bulk now.

3510. Have you ever noticed, or have you ever seen pats of margarine or mixtures made up with a cow on the top of them?—Yes, I have seen them.

3511. That would be rather *primâ facie* evidence that it was endeavouring to imitate butter, would it not?—But the milk comes from the cow, and the fat comes from the cow.

3512. But still the idea would be that it was butter, would it not?—It depends upon what construction is put upon it.

3513. If a man saw a pat of the mixture with a cow upon the top of it he would naturally expect that it was butter; that would be his first impression, would it not?—If he was an intelligent man he might think that it was from the inside of the cow.

3514. Do you think there are so many intelligent men who would suppose that these pats of mixture with a cow on the top came from the inside of a cow, and fat, and arachide oil?—I should imagine that there are a great many.

3515. Where does this arachide oil come from?—It comes from the West Coast of Africa; from Senegambia.

3516. Does it come from the cow?—No, it is from the ground nut.

3517. It does not come from the cow?—No, it does not come from the cow.

3518. So that all these mixtures do not come from the cow?—No.

3519. Although there is a cow stamped upon it?—Except in summer time, it would not contain any arachide oil.

3520. Although there is a cow stamped upon it?—Yes.

3521. Then you say that to have separate shops would be impracticable?—How could you expect a man who sells a small quantity of margarine to keep a separate shop. The rent of the shop would perhaps amount to more than the quantity of margarine that he sold.

3522. But surely there is an enormous quantity of margarine sold?—There is an enormous quantity of margarine sold, but the small shopkeeper does not sell it.

3523. I presume that you think it is imperative that the shopkeeper should be enabled to sell both margarine and butter?—He could not otherwise exist.

3524. Otherwise the margarine would hardly be able to be sold?—Yes.

3525. So that it is necessary to get the margarine

Mr. *Lambert*—continued.

garine and butter as closely allied together as possible in order that the margarine may be sold?—A shopkeeper would have a difficulty in making a living if one of his articles was cut off from him.

3526. Would it be necessary for the sale of margarine that butter should be sold too?—That the grocer who sold butter should also be allowed to sell margarine.

Mr. *Whiteley.*

3527. In regard to the question put to you by Mr. Lambert just now, I suppose if an intelligent observer could see the cow he could read the word "Margarine" underneath?—Yes.

3528. You would not object to any Act of Parliament that would enact that no cow should be put on it?—No.

3529. Sir Charles Cameron wanted me to ask you what was the nature of the milk used in churning the margarine?—The very best fresh milk.

3530. Fresh or skim?—Fresh. We sell the skim milk. We use the whole of the milk and cream, and sour it before we use it, and afterwards we obtain a certain quantity of milk which is a kind of skim milk.

3531. It is not skim milk that you use in the manufacture?—No, we do not use any skim milk.

Mr. *Whiteley*—continued.

3532. With regard to this intermediate product, you suggest that there should be a product recognised by law called either "butterine" or "mixture"?—Yes.

3533. You think, I suppose, it would be a great temptation to a shopkeeper, when he has a certain product which is high in value and he knows to contain a good deal of butter, to sell it as butter?—For instance, if he has a mixture containing 40 to 50 per cent. of butter he is still obliged to sell it as margarine.

3534. And there is a temptation in the hands of unscrupulous men to sell it as butter?—Yes.

3535. And you think it would be an additional safeguard and security for the public if you had a class called "butterine"?—Yes.

Mr. *Channing.*

3536. In the case of this sweet cream margarine, are there any preservatives used?—We use a small quantity of preservative with the salt.

3537. Is that salycilic acid?—No, boracic acid and borax.

3538. Is that generally used in margarine?—It is used by most margarine shippers and butter shippers. It is a very small percentage.

Mr. Robert Aitken McCallum, called in; and Examined.

Chairman.

3539. I think you are deputed by the London Chamber of Commerce to give evidence?—Yes.

3540. And you belong to the firm of Ellis, Kislingbury, and Company?—Yes.

3541. Who are large importers of butter and margarine?—Yes, both.

3542. And your trade in butter exceeds your trade in margarine?—Yes.

3543. According to your experience as a margarine importer and manufacturer, the wholesale houses are honest in their dealings?—Perfectly. I have great experience among the wholesale trade particularly, and I have never known any fraud in the trade whatever.

3544. You have never known fraud to take place on the part of the wholesale dealers?—No.

3545. That is to say, that the people who send margarine to this country or sell it to you really sell what they represent?—Yes.

3546. And any fraud that occurs, occurs after the margarine has left your premises?—What I mean is that the manufacturers abroad are honest; they send the goods here marked in accordance with the law. We receive them here and sell them to the wholesale houses, and we supply them, of course, in accordance with the law also. The packages are duly marked; and then they, on the other hand, afterwards sell to retailers the packages still bearing labels, and still in accordance with the law.

3547. And it is somewhere after it leaves you, and before it reaches the consumer, that any fraud that takes place occurs?—Yes.

Chairman—continued.

3548. Do you think that any alteration in the regulations as to the colour would prevent fraud?—I do not think it would; it might have that effect, but in my opinion it would also have the effect of killing the trade in margarine.

3549. You think that the trade in margarine itself could not exist if there were any specially distinctive colour given to it?—Yes, that is my opinion.

3550. And it exists now because the colour that it is made and sold under, more or less, resembles butter?—Yes; I think its success does depend upon that.

3551. You think it would be desirable, in the interests of the public, that mixtures should be allowed?—Yes, I think they ought to be allowed.

3552. You would allow mixtures to be sold, and recognised by law as mixtures, because then the public would probably receive an article that contained a larger percentage of butter than some of those that are sold now as margarine?—Yes, and I think it is more palatable; that is my reason for recommending that mixtures should be allowed.

3553. Do you mean that they contain a larger proportion of butter?—Yes, they are a more palatable compound.

3554. And if we had three classes of articles, pure butter, on the one hand, butter mixtures and margarine mixtures in the middle, and margarine at the foot; do you think that would be better for the public than the present arrangement?—I think it would. I think it would tend to prevent fraud, or to reduce fraud.

Chairman—continued.

3555. And you would call all things butter mixtures that contained 10 or 15 per cent. of butter?—I should make it less even; even 5 per cent. of butter I should call a mixture. But still I do not think it is a matter of any great importance.

Mr. *Channing.*

3556. Five per cent. of butter added?—Yes.

3557. You would call that a mixture?—Yes, I should; it has a considerable effect on the quality.

Chairman.

3558. The margarine that you deal in is very much the colour of butter, is it not?—Yes.

3559. You receive it in that colour?—Yes.

3560. In bulk?—Yes, in packages of various kinds.

3561. Not in pots?—No.

3562. Or rolls?—No, we do not receive any pots or rolls.

3563. And you think the law as it exists is sufficiently stringent to put down fraudulent practices?—Yes, I think so; if it is thoroughly enforced.

3564. And you would not have any increase made in the fines?—No, I think the fines are pretty heavy as is it; for the third offence it is 100*l.* I think that is sufficient as a deterrent.

3565. You would not have imprisonment as a penalty for repeated fraudulent practices?—No, I do not approve of imprisonment.

3566. Would you have any regulation made as to the size and form of package?—No, I do not approve of any change in that respect. For instance, in a crock package, which is a package we deal largely in, we find in winter time that we do not sell quite so many of them; but in the hot summer weather we have a large demand for them owing to the margarine keeping so much better in the crock package, that is the only reason our customers ask for them; it is not with any intention to defraud; it is simply that they get the margarine in a much better condition.

3567. Is your position very much this, then: that the margarine trade now is in such a position that if you had any of these interferences, namely, with the colour of it, with the shape of the receptacles in which it is sold and kept, and with the sale of it in separate establishments apart from butter shops, or the enforcement of licenses for the sale of margarine, that would interfere disastrously with the trade?—I think some of the points would interfere more with the trade than others; for instance, the matter of colour would be a serious thing, and the matter of imprisonment would be an extremely serious thing. A man with a great many shops liable to be convicted once or twice for faults of his employés would give up the selling of margarine altogether, I think.

3568. Do you think that the selling of margarine in separate shops would be a serious matter?—I think it would be impracticable altogether.

3569. That is to say, that the profit would not be large enough to enable people to keep up separate shops?—That is what I mean, and particularly in small country districts where the

Chairman—continued.

sale is not very large for either butter or margarine.

3570. And you do not think licenses are necessary?—So far as my experience goes, most of the cheese and provision merchants in London sell margarine openly. I should not think there are more than 20 or 30 shops in London that sell only butter, and many of those (as Mr. Hudson explained) sold margarine, but sold it wholesale, and did not sell it over the counter.

3571. I suppose when you say that these interferences would be sufficient to more or less cripple the trade in margarine, that is due to the fact that the margin of profit is less than it used to be in this business?—Very much less.

3572. Is that due to the importation of colonial butter?—That is the principal thing. We do a large trade in colonial butter, and the imports have increased enormously during the last two or three years, and that has had the effect of reducing the price of butter, and consequently the price of margarine.

3573. Colonial butter can be sold in the London market now at what price?—Wholesale, the finest is sold at 70*s.* to 80*s.* a cwt.; that is the very finest quality.

3574. Then what is the price of the lowest quality?—The lower qualities get as low as 45*s.*; but that is only for confectioners' use; it is unfit for the counter trade.

3575. Then at that price does it compete with margarine?—No, it does not; it is not used for the counter trade.

3576. But at the highest price it competes with margarine?—Yes.

3577. What is the price of the best margarine?—The price of the best mixture is 70*s.*; they overlap almost.

3578. And the consequence is that the profit in the margarine trade now has been cut down considerably by this competition of colonial butter?—Yes, it has.

3579. And the general price of butter has been lowered very much?—Yes; the imports of margarine at present are very much lower than they have been for many years owing to that fact.

3580. We have been told that there has been introduced into the retail trade of late mixing machines?—So I understand; I have no personal knowledge of them.

3581. The wholesale dealers, the manufacturers and importers, have no knowledge of these machines?—No.

3582. They do not use them?—No, they do not use them, and naturally they do not care about their being used either; they would rather supply the mixtures themselves than have the retailers make their own mixtures.

3583. But it is a profitable undertaking for the retailers, supposing it is not illegal, to have mixing machines and to mix the margarine and butter?—The most profitable part of the margarine manufacturers' trade is the mixture; he gets more profit out of that than out of the margarine; and I suppose the retailer wants to get that for himself.

3584. There is no harm, you think, in a mixing machine if the mixture is sold as margarine?—No,

Chairman—continued.

No, if it is sold as margarine it is no harm, because it is the same machine as is used in all dairies throughout the county.

3585. But fraud comes in if it is sold as butter?—Yes.

3586. The retailer having one of these machines, and having on his premises margarine and butter, is able to get an illicit profit by mixing the two in varying proportions and selling the mixture to his customers as butter, is he not?—Yes, if he sells it as butter he certainly gets an illicit profit.

3587. Would you suggest taking any steps to prevent the use of machines?—I do not see how you can prevent that; they are machines used all over the kingdom, in almost every dairy in the kingdom of any importance the same machine is used; and I think that London is the only place where such machines are used by retailers; it is simply a turning-table and fluted rollers going round.

3588. Mixing the compound as it revolves?—Mixing the compound as it revolves.

3589. You think that the present law, then, if it is stringently enforced, and the present system of analysis, are good?—Yes.

3590. And sufficient for the purpose?—Yes, I think so.

3591. And you do not think it is necessary to have any new central laboratory for the purpose of correcting analyses or for confirming them?—No, I think Somerset House, as we have it at present, is quite sufficient.

3592. Then, in fact, you have no suggestions to make?—No, except that I think the present law is quite sufficient if it is properly enforced; that is all I can say about it.

3593. Then, I think, you have something to tell us about the enormous increase in the production of butter?—Yes, I have some statistics here about the prices, and I have a note also of the comparative prices of Danish and colonial butters during the last three years, at the end of March, that may interest you.

3594. Will you give us those, if you please?—The imports I shall commence with of butter during the first quarter of each year. In 1893 they were 639,179 cwts.; in 1894 they were 693,352 cwts.; in 1895 they were 766,069 cwts.

3595. Those imports are all butter?—Yes.

3596. Not margarine?—No, I have margarine underneath. In that way you will see that the import of butter has increased by 130,000 cwts. from 1893 to 1895, in that first quarter of the year.

3597. But those figures might be fallacious, might they not, by the fact that some of the imports described as butter might be margarine mixtures?—No, I do not know that there is any margarine at all imported as butter. I believe there is no such thing at present. If there is it is in isolated cases such as the Hamburg butter, and, in one case that I heard of a year ago, of Italian butter.

3598. You do not think that that source of fallacy is sufficient to vitiate those figures?—No, I do not think such things exist except in isolated cases.

Mr. *Channing.*

3599. By imported margarine do you mean pure margarine or do you include mixtures?—I thought the Chairman asked me about adulterated butter coming in, that is to say, margarine coming in under the name of butter, which might vitiate the figures I have just given.

Sir *Charles Cameron.*

3600. All mixtures must come in as margarine?—Yes. The figures I have quoted show that the import of butter has increased to the extent of about 130,000 cwts. from 1893 to 1895 in the first quarter of the year. Then, in margarine, the import in 1893 for the first quarter of the year amounted to 356,727 cwts.; in the first quarter of 1894 the imports amounted to 330,288 cwts.; and in the first quarter of 1895 the amount was 252,962 cwts.

Chairman.

3601. So that it is a decreasing trade?—A decrease of 100,000 cwts. in the quantity of margarine, and an increase of 130,000 cwts. in the quantity of butter, so that what I wish to show is that the import of margarine has decreased and the import of butter has increased.

Mr. *Jeffreys.*

3602. Is that the importation for the whole of England?—Yes; I took that from the Board of Trade Returns. Then, with regard to the prices, in 1893 the price of Danish butter at the end of March was 114*s.* per cwt.; in 1894, at the same time, it was 114*s.*; and at the same time this year it was 94*s.*, so that the difference is a decrease of 20*s.* Then, as to the colonial butters, in 1893, at the end of March, the price was 106*s.* per cwt.; in 1894 it was 112*s.* at the end of March, and at the end of March this year it was 82*s.* That is a difference of 30*s.* per cwt. as compared with last year, and 20*s.* as compared with 1893.

Chairman.

3603. Is that greater decrease in the price of colonial butter due to the larger quantity that is coming here?—It is due to the larger quantity coming from the colonies, and to the larger quantity coming from other countries, from Denmark, as we heard.

3604. Why should colonial butter be affected more than other butters?—Why the difference should be so great, do you mean?

3605. Why should one have fallen 30*s.* and the other only 20*s.*?—As a matter of fact, my experience this year in colonial butter is that the range of quality all round has been much lower than it was last year. They had extremely hot weather on the other side, and many good factories of butter for shipment suffered.

3606. What colonial butter are you referring to?—The butter from Australia and New Zealand; from Australia, principally.

3607. Those are the principal colonial sources?—Yes. There is also the Dominion of Canada.

3608. Is there much butter coming from Canada?—Not very much; it is nothing like the quantity from the other two sources.

3609. Then all these butters and all these margarines that come into the country you would

Chairman—continued.

have invoiced, and that invoice should be considered as a warranty?—Yes, it should.

3610. Would you have them all examined at the port of entry?—I should not have them all examined; but in the case of any suspected parcel, I think they ought to be examined; and I should recommend that samples should be taken and a bond should be taken from the importers until the analyses were made.

3611. Then you would practically put in the authority of the Customs power to examine any parcel of butter landed at their will?—I think they have that power already.

3612. But you would have that enforced?—Yes, I think so.

3613. And in that way you think you would check the importation of the adulterated article?—Yes; but as I said before, I do not think any adulterated butter comes in at present. Still, I should not object to that.

3614. Do you think that practically the enforcing of such a regulation would have a useful effect in keeping up the purity of the imports?—Yes, I think it would.

3615. Have you any other suggestions to make with regard to that?—I think I have no other suggestions to make.

Sir *Mark Stewart.*

3616. Do you place much reliance upon the warranty of the invoice?—Yes, I think it is an important point.

3617. And in the absence of any investigation, or practically any investigation, as at present, is it your opinion that a large quantity of adulterated articles comes into the country?—I do not think so. I think there is little or nothing comes into the country adulterated.

3618. Would you give that as a reason why it has not been examined at the Custom House?—I should think so. I should think that is the reason. I have known of only one case in the last two years, and that was the case of some Italian butter, as you have been told by a witness.

3619. We have had evidence from a Scotch witness that there was a great quantity of both filled cheese and butter that came into this country, which was passed by the warranty on the invoice and found to be very bad. Have you heard of anything of that kind?—I have heard of one or two cases during the last year of this Hamburgh butter. In addition to the Hamburgh butter I have not heard of much more. I think the Italian case was the only one.

3620. On the whole, you think that the present precautions required by the Act of 1887 are quite sufficient?—I do.

3621. Do you admit that there is much fraudulent sale on the part of retail traders?—I think there is a certain amount of fraud; but I think it is rather exaggerated in some of the evidence I have read and listened to.

3622. Do you deal largely in home-made butters?—No, we do not touch them at all. It is a thing that is almost unknown in this market. If you mean Irish butters, we do not deal in them; but if you mean English butter, it is a thing that is in the market here only for a few weeks occasionally when there is a very large supply, and then we never hear of it again all through the year.

Sir *Mark Stewart*—continued.

3623. How do you account for that?—I suppose it is used in the districts where it is produced.

3624. Does it fetch a high price?—No, it fetches a very low price when it comes to London.

3625. What sort of a price does it fetch?—I believe in summer time you have Devonshire butter sold at 7*d.* a lb., while Danish and other butters might be worth from 1*s.* to 1*s.* 2*d.*

3626. Do you buy Normandy and Brittany butters?—No, we do not touch French butters at all; Danish butter and colonial butters we buy.

3627. French butters are good, are they not?—Yes.

3628. But not so good as Danish?—Yes; the highest-priced French butter is a much higher price than the Danish.

3629. The best Brittany?—Yes.

3630. Supposing you prevent margarine being coloured, would the public taste not get accustomed to it very soon, and they would purchase white margarine?—I do not think they would, because in the manufacture of margarine you cannot get the colour regular. The colour depends upon the materials used, and the season of the year when the fat is produced; so that you must keep it uniform in some way, and the colouring is the only way that I can see in which you can do that.

3631. And you are not afraid of the adulterative effects of that?—No, I think the colouring ought to be retained.

3632. You said, I think, that anything with above 5 per cent. of butter you would call a mixture?—Yes, I should.

3633. Would you be inclined to mark the packages with the word "mixture"?—Yes, I think that that would be the proper way to do it.

3634. Do you think that that would be advisable?—Yes, I think it would.

3635. Then you would have margarine and mixture?—I do not think it matters much; it might be either "margarine" or "butterine," as was suggested by Sir Charles Cameron, I think.

Sir *Charles Cameron.*

3636. You tell us that there has been a large decrease in the amount of margarine imported during the last three years?—Yes.

3637. Will that be due to the much larger manufacture of it in this country?—No, I do not think so. I do not think that affects it very materially, because the greater number of those factories, for instance, in Scotland, have existed for more than three years.

3638. There is a Mr. Monsted, who has a factory for margarine in Lancashire, we have been told?—In Goldley, near Manchester.

3639. And turns out 100 tons of margarine a week?—Yes.

3640. And he has just started a factory near Southall, where he proposes to turn out 300 tons a week

Sir *Charles Cameron*—continued.

a week?—Yes; but I do not think that would affect this, because the Godley factory has been in existence more than three years, and the other factory has only just started.

3641. Do you think that that decrease is owing to the consumption of margarine falling off?—I think it is owing to the low price of butter to a certain extent.

3642. The honourable Chairman asked you and pressed you about the retailers making a fraudulent profit in consequence of the facilities which the similarity of butter and margarine afforded them for mixtures, and for palming off the mixtures as a genuine article; but does not the same principle hold good with regard to coffee and chicory; do not retailers mix coffee and chicory on their own premises?—I suppose they do.

3643. Are you of opinion that the same general principles of law shall be applied to butter and coffee, and all other substances that are liable to be imitated?—Yes, I think they ought. I do not think that margarine and mixtures ought to be singled out for special legislation.

3644. You do not think margarine and mixtures ought to be singled out for special legislation, simply because they afford facilities for fraudulent dealing which are not at all peculiar to them?—No, I do not suppose they are.

Mr. *Channing.*

3645. I think you said that you approved of the use of the term "mixtures"?—Yes, I do.

3646. And you would extend that down to products which contained only 5 per cent. of butter?—Yes.

3647. Now, how would you distinguish; would you classify the mixtures and sell them at different prices?—Yes.

3648. How would you do so. How would the purchaser be enabled to tell whether he was getting 5 per cent. or 20 per cent. or what per cent. of butter?—At present we invoice our goods as 10 per cent. mixture, 15 per cent. mixture, 20 per cent. mixture, 25 per cent. mixture, and 30 per cent. mixture, as the case may be; we put it on our invoice.

3649. Are any goods sold in that way retail?—We do not sell them retail; we are importers.

3650. But is it sold retail in that way?—I have never seen it.

3651. Supposing a shopkeeper were buying from you, how would the purchaser be able to test the value of your guarantee?—He could have it analysed and find out the amount put in the mixture.

3652. Do you think it would be possible to test the presence of so small an amount as 5 per cent. of butter?—He might not be able to find that out; there seems to be some difference of opinion about the quantity that can be found; I do not think that is an important point.

3653. In the case of adding margarine to butter, 5 or 6 or 10 per cent. I think is taken as the limit within which detection of the admixture is impossible, or at least impracticable?—Yes.

3654. Would not the same difficulty arise in this case?—It would not be a matter of the same

Mr. *Channing*—continued.

importance. It is a question between margarine and mixtures in this case, and in the other case it is a question between margarine and butter.

3655. Would there not be a considerable difference in value to the consumer between margarine, with only 5 per cent. of butter and a mixture with 30 per cent.?—Yes, a considerable difference.

3656. And a very considerable difference in profit to the seller if he sold the inferior article at the price of the superior article?—Yes; but I think that the idea of people getting a very large profit on an article that is not very good is exaggerated. You cannot sell margarine that costs 42*s.* a cwt. at 1*s.* a lb.; and the public are good judges of the qualities of their butter and margarine; they know a great deal about it.

3657. Even when it is coloured they can detect the difference in quality, you think?—Even when it is coloured the flavour is different, otherwise we should not sell it at 42*s.* a cwt.

3658. Supposing you extend the term "mixture" to as low a percentage as 5 per cent. of butter, would that not practically be authorising the sale of pure margarine all through the country as a mixture?—It would be a mixture, I suppose, although the mixture was a small one.

3659. But would it not, in practice, enable anyone who chose to carry out the fraud to sell what was merely margarine as an article of much higher value?—Everyone knows that mixing must commence somewhere. There must be a low quality mixture and there must be a high quality mixture.

3660. But surely, without precautions, your suggestion would open the door to a very considerable fraud by retailers?—Of course if 5 per cent. could not be found easily it might be 10 per cent. It does not matter very much, I think, where the mixture begins and margarine ends, so long as it is understood.

3661. A purchaser may form an opinion of whether he is getting a good article or not; but surely he can form no opinion as to whether he is getting 30 per cent. or 40 per cent. or 5 per cent. of butter in his margarine?—I think the same thing would apply were you to say 10 per cent. or 30 per cent. or 40 per cent.; the same argument would apply.

3662. I will not pursue that further; I think I have elicited what I wanted. Do you suggest any means of guaranteeing the purchaser about those points?—I only do a wholesale trade. I do not know much about the retail trade; but in our invoices we always put in the proportion of butter the mixture contains.

3663. The manufacture of margarine has enormously increased, has it not, both abroad and in this country?—One or two new factories have certainly been started in England, but the imports have decreased.

3664. But the manufacture, as a matter of fact, has increased both in Belgium and in France, has it not?—Not for the production of margarine destined for this market. In France it has certainly not increased. I know, as a fact, that it has decreased.

3665. The profits are, I will not say, very

Mr. *Channing*—continued.

large, but, in spite of the prices of butters, the profits are considerable, are they not?—I do not make profits, so that I cannot speak of that; I am simply an importer, and sell the goods on commission. I do not know what profits are made by the retailer.

3666. Do you really yourself attach any importance to these figures of the imports that you have put in?—I do, certainly.

3667. Having regard to the fact that the manufacture is increasing, and that the profits are undoubted, is it not clear, on the face of it, that the decrease in the margarine imports of 100,000 cwts., and the increase in the butter imports of 130,000 cwts., creates a very strong impression that a considerable amount of the butter import is really a fraudulent import of margarine as butter?—My opinion is that such a thing does not exist at present. I give that opinion quite candidly.

Mr. *Jeffreys*.

3668. Do you not think that the reason why the imports of margarine have fallen off is because of the greater production of margarine here?—It may be so, to some extent; but I think I explained, in reply to Sir Charles Cameron, that those factories who make margarine here, such as the Southampton factory, for instance, and a great number of Scotch factories, have existed for more than three years, which is the period over which I gave those statistics.

3669. But you do not mean to say that the consumption of margarine has fallen off, do you, on account of those imports?—Yes, I do; I presume to say that.

3670. Then you take no notice of these large margarine factories that have been lately started?—Because I have shown the decrease from 1893 to 1895, and the factories, with the exception of two, have existed all over that period; so that they would not affect that figure.

3671. You have not given us the prices of margarine?—I have not got them.

3672. Have they decreased?—Yes, very much.

3673. You are only an importer; but is all the margarine imported coloured?—Yes.

3674. Why should it be coloured of the nature of butter?—I suppose it is so coloured because it resembles butter; I tell you candidly.

3675. Do you think it would be a great hardship if there were a law passed to compel it to come in without colouring matter?—Yes, I think that would be a hardship.

3676. Why?—Because I think the manufacturers of margarine have quite as much right to colour it any colour they like as the butter manufacturer has to colour his butter.

3677. Do you not think it rather hard that they should choose the one colour that imitates butter?—There is no other colour to choose.

3678. Why should you not have it pink or blue?—It is an unnatural colour for an edible substance. I do not know of any article that we eat which is coloured blue, but a lobster, perhaps.

3679. You mean to say that you colour it purely in order to imitate butter?—Yes.

Mr. *Jeffreys*—continued.

3680. And you do not think that is a hardship upon the butter makers?—No, I think that is the natural colour to give it.

3681. With regard to the low price of English butter in summer, you say that is caused by the supply being intermittent?—Yes.

3682. If there was a regular supply, no doubt English butter would fetch a proper price?—Yes, I daresay.

3683. You did not mean to say that it fetched a low price because of its inferior manufacture?—That may have something to do with it; but we have so little of it that we cannot judge.

3684. Is it not the case that foreign countries send a regular supply to the market all the year round?—Yes.

3685. Therefore, when the English butter comes up, it is a surplus supply that is not required?—Yes.

3686. Do you know why the English farmers do not send up a regular supply?—I suppose they have a regular demand in their own neighbourhood.

3687. Do you not think it is because it is so much more expensive to make butter in the winter months in this country, because the feeding stuffs are more expensive here for the cows?—I cannot go into that.

3688. Then you would not say that the reason why we do not supply so much butter as we might in this country is, that it is so expensive to make it during the winter months you cannot give an answer?—No, I cannot give an answer to that; I do not know anything about it.

Mr. *Colman*.

3689. Do you say that English butter is almost unknown on your market here?—Yes, it is almost unknown here.

3690. Would you say the same of other towns, take Manchester or Liverpool, for instance?—I think the same applies to Manchester and Liverpool, but I do not know very much about that.

3691. Then English butter, whatever quantity is made, must be consumed in its own locality?—Yes, I think that must be the reason; we never see it on the London market at all except for a short period.

3692. Has that altered during the last two or three years?—Not much.

3693. For 10 or 15 years you mean to say that English butter has been practically unknown on the London market?—Yes, practically unknown.

3694. Have you any idea whether the price of English butter, in the localities where it is sold, has been much affected by the large imports from abroad?—I cannot tell you.

3695. Then, as regards the colonial butter that you spoke of, the price of the best is from 70*s.* to 80*s.* per cwt., you say?—Yes.

3696. Have you any information at all as to how far they can continue, from Australia or New Zealand, to sell at those prices?—I understand that they have about reached the cost price at present; from 75*s.* to 80*s.*, I understand, with the charge added on is, about the cost price there. They are making no profits on the shipments.

But

Mr. *Colman*—continued.

But they have made a profit on the year; the average price will leave them a profit.

3697. Do you think during this year, 1895, they will be making a profit?—Yes, I think so. They got pretty good prices at the beginning of the year; until now, the prices have been fairly good.

3698. But they cannot go on making it at those prices, 70*s.* to 80*s.*?—No, but that is not likely to happen. This price has only been ruling the last three or four weeks, and the imports have come in since October.

3699. What was the price at Christmas-time?—I think it was about 104*s.*, if I remember rightly.

Mr. *Whiteley.*

3700. Is there any difference in the flavour of a mixture of 40 per cent. of butter and that of a mixture of only 10 per cent. of butter?—Yes, a great difference.

3701. Do you think the public can appreciate that?—Perfectly easily; there is no mistaking it.

3702. They know when they buy different classes of mixture?—Yes, I think their palates enable them to judge.

3703. Therefore, if the law were once to recognise a mixture you would leave it to the public by their palates and the price to distinguish what class of mixture it was?—Exactly.

3704. Is not this increasing import of butter that you have called attention to chiefly New Zealand low-priced butter?—No, it is principally not low-priced butter; there is about a fourth of the low-priced butter from about 45*s.* to 50*s.*, what they call dairy butters, collected in the stores milled up and put into boxes.

3705. As a matter of fact, the import of colonial butter has increased very largely?—Yes.

3706. Is it not the fact that the import of Dutch and colonial butter is more injurious to the price in this country than the sale of margarine?—I think so.

Mr. *Whiteley*—continued.

3707. With regard to the colouring of butter, almost all butter is coloured, more or less, is it not?—Yes, at certain seasons of the year.

3708. That is done not to make it look like butter, because it is butter?—Yes.

3709. Then butter is really coloured yellow to suit the public taste?—Yes, to make it attractive.

3710. Why should not margarine be coloured to make it attractive?—I think it ought to be.

3711. With regard to the increase in the consumption of margarine, suggested by Mr. Jeffreys; as a matter of fact, there were very few new factories for margarine started in this country during the last three years, were there not?—Very few were started during the last three years.

3712. Can you tell the Committee how many?—I think one was started at Kilmarnock.

Sir *Mark Stewart.*

3713. A margarine factory?—Yes.

3714. Are you quite sure of that?—I am quite sure; it is called the Rowallan Factory, it is outside Kilmarnock, about 15 miles.

Mr. *Whiteley.*

3715. It is sufficient, at any rate, to know that there have been very few started in this country in the last few years?—Certainly.

3716. The major part of our margarine import comes from Holland, does it not?—Yes.

3717. And, as a matter of fact, have not the factories in Holland decreased from 90 to 33 during the last few years?—I cannot say; I do not know much about Holland. We import margarine from France.

Tuesday, 30*th April* 1895.

MEMBERS PRESENT:

Mr. Colman.
Sir Walter Foster.
Mr. Frederick Frye.
Mr. Kearley.
Mr. Kennedy.
Mr. Kilbride.
Mr. Newdigate.

SIR WALTER FOSTER, IN THE CHAIR.

MR. THOMAS PRATT LING, called in; and Examined.

Chairman.

3718. I THINK you represent the Trade Section of the London Chamber of Commerce?—Yes.

3719. And you have had a good deal of practical experience in the retail trade in butter and margarine?—I have.

3720. And you think that margarine ought to be packed in a particular manner, do you not?—I think it ought not to be packed in baskets or any other package admitting of detachable labels; I think that is a great mistake.

3721. Can you give us any illustration of that?—I have been told (I can give you the name of my informant privately), that a dealer had been in the habit of buying week by week a certain article at 90*s.* a cwt. I wanted some on the Tuesday, and the salesman told me that my wooden packages had not arrived, but would be in the next day, but I saw about 40 or 50 baskets with the same mark standing there, so I asked if that was the same margarine, and he said "Yes; but I cannot let you have them, because the man is coming for them to-morrow who has them every week." I said, "Let me have these and let him have the wooden ones." "Oh," he said, "that will not do for him, he comes himself for them and carts them himself; he must have them in baskets, because he takes off the labels in transit, takes them into his shop, and his assistants believe that it is butter, and he sells it at 1*s.* 4*d.* a lb., when it costs him about 9½*d.*"

3722. From that you would conclude that all labels ought to be branded?—Yes, the word ought to be branded.

3723. Indelibly?—Yes.

3724. On the package?—Yes.

3725. And there ought to be no means of evading that regulation?—That is so; that is what I think.

3726. You think that mixtures of butter and margarine are permissible, but that they ought to be sold as mixtures?—I think the public like it so much that it would be unfair to the public to deprive them of it. It is a good wholesome food, and I think the fraudulent sale could be stopped in other ways, and leave it as it is.

3727. Do you not think that in these fine mixtures there is more fraud than in anything else?—Yes; that is where the fraud is, undoubtedly. I think there is very little margarine pure and simple sold as butter. I think it is where you get on the border line that fraud comes in.

Chairman—continued.

3728. Have the London Chamber of Commerce passed a resolution on the subject?—Yes, they have; but I was antagonistic to it. I voted in the minority, and so far I do not represent the Chamber of Commerce.

3729. But your opinion is that you should have margarine mixtures sold as mixtures in order to prevent the fraud which you now say exists in the higher-class mixtures being sold as butter?—I do not for a moment think that the altering of the word from "margarine" to "mixture" would stop the fraud. I think the fraud would be likely to be carried on just as much and no more, but the only thing is this: I think it is an injustice to the article itself calling it margarine; it is a misnomer. I think we should have three things: "pure butter," "mixtures," and "margarine."

3730. In that way do you think that the public would be more honestly served?—I do not think that that would conduce to any honesty.

3731. Then what would be the object of it?—I do not know that it signifies very much, but I think it is fairer. I think the public so object to the word "margarine" that they would infinitely prefer an article to be called what it really is, a mixture; they would like it better to take it into their homes.

3732. In short, it would facilitate trade?—That is my point of view.

3733. Do you think that assistants should be liable to prosecution?—Yes.

3734. As well as principals?—Yes, I would never have a principal summoned without you had the absolute man who served the article. I think if he was liable to be summoned he would refuse to carry out any dishonest instruction of his employer. I do not see, in fact, how an employer could tell a man to sell that article margarine for butter if the assistant could turn round and say, "Am I to do this for 30*s.* a week, and

Chairman—continued.

and stand the chance of being summoned, and so on?" I think the person who absolutely sells the article should certainly, in connection with his employer, be summoned, and then have them both before the magistrate and let them fight it out there.

3735. Would you have any heavier penalty besides, say, imprisonment?—That would have acted very unfairly with me (I only go by my own experience) with imprisonment for the third offence.

3736. Why?—I have been summoned twice under the Sale of Food and Drugs Act. If you will take all prosecutions for butter under the Margarine Act my objection is mitigated to a very great extent; but if you continue to take them under the Sale of Food and Drugs Act I think it will be a dreadful thing for all of us.

3737. You would prefer their all being taken under the Margarine Act to avoid cases of hardship such as your own?—Yes, certainly; when the Margarine Act was passed in 1888 I sent this to every shop. (*Handing in a printed set of instructions.*)

3738. In fact, you supplied all your assistants with these directions to make themselves acquainted with the Margarine Act, and to carry out its provisions?—Yes.

3739. Will you tell us how in your own case there was any hardship?—In 1891 I was summoned under the Sale of Food and Drugs Act for selling butter adulterated with a small percentage of margarine. I never was more surprised in my life. I had bought the article as butter and paid 104*s.* per cwt. for it, and I would not have given above 84*s.* for it had I known it to be mixed. I produced the invoice before the magistrates; that took place at Edmonton. Mr. Latham was the chairman; but as there was no guarantee at the bottom of it it was of no avail under that Act. According to the Margarine Act I did not know that it required the guarantee; but I put the seller into the box, and I was ably defended by a solicitor, who argued it; but it kept coming back to this: Mr. Latham said, "It is no use talking like that; can you say anything affecting this clause in the Food and Drugs Act"? The gist of it was, that I had no defence whatever; and I was fined, although there was a man there who said, "I sold Mr. Ling this as butter, and I believed it was butter." And we traced where it had been adulterated by a man of the name of Ford in England. I do not know whether he was prosecuted, but, however, proceedings were taken against him for keeping this margarine manufactory without being licensed. That was case No. 1.

3740. Now, case No. 2?—As regards case No. 2, I was summoned two years ago at Lambeth Police Court, under the Sale of Food and Drugs Act, for selling margarine as butter. It was much against my orders, as you will see; but it appeared upon inquiry that an assistant confessed that without asking the permission of his manager (which he would not have got) he mixed margarine with some butter that had become stale; it improves stale butter and makes it passable if it is a good margarine; and instead of putting the

Chairman—continued.

mixture among the margarine he had placed it among the butter, and sold it as such. I daresay it was that he did not want to lose the few shillings that he otherwise would with his stock. Under the Sale of Food and Drugs Act he could not be punished. In that instance I was deprived of the very provision which the Legislature had made to protect me; I could not put him into the court. I may say that I discharged the assistant immediately. My solicitor produced these instructions and argued it out, and the stipendiary dismissed the case, saying that clearly the employer had done all that he could to conduct his business honestly. But presuming that the stipendiary had taken the opposite view, and been something like Mr. Latham, I should have had two convictions against me when I was innocent; and the third time a similar mistake was made I should have been liable to imprisonment.

3741. You think under those circumstances that imprisonment would be too hard a penalty?—I think so. And there are so many difficulties about it. In the case of a firm with two or three partners, for instance, which one is to be imprisoned. Are you going to say three months to each of them?

3742. I see the difficulty?—And then if a man has many shops, is he to have three chances for each shop, or is he to have no more chances than a man who has one shop. If a man has 20 or 40 shops, and employs from 100 to 200 assistants, the chances of his being landed in a difficulty are much greater than if he had only one shop and stood behind his own counter with two or three assistants. In fact, if it were imprisonment I should have to go out of the margarine business immediately myself.

3743. You think it would make the danger so serious that men would go out of the business?—To me it would, because I take no active part in this. I have not seen many of my shops, perhaps, for two years. I have a collector, a manager or two, and my sons; but if I had to be liable one morning to get this a third time and to be liable to imprisonment, I should not like to go on selling margarine.

3744. In the sale of margarine for butter, it is frequently pleaded that it is an accident, is it not?—Yes.

3745. Can you tell us anything about the subject?—I look at it in this way: A man doing only a medium butter trade will have at least 600 customers a week for butter, which, if they average half a pound each, would only be about three casks of butter a week; that is a moderate estimate. That is at least 30,000 customers a year. He would very likely not have had a sample taken for analysis for at least three years past. You might safely take that average. That gives you 90,000 customers. Now, it is a curious thing that the accident should happen at the very time that the inspector or his agent makes a purchase. I contend that it is 90,000 to one against its happening on that day, and yet the magistrates will listen to that and take that evidence. It is true that I have not much to complain of, because mine was an accident too, that he had mixed my butter. But there it is; a

Chairman—continued.

man who is summoned will frequently have served 90,000 customers before he makes a mistake with the inspector.

3746. And he will have made his profit on those 90,000 transactions, which would go a considerable way towards a number of fines?—Yes, it would indeed.

3747. Do you think that this plea of accident is given undue weight to by magistrates?—Yes, I am sure of it. I am on the Council of the Metropolitan Grocers' Association, and we have many cases both of offence and defence coming before us as we both prosecute ont he information of members, and we also defend members if we think they are unfairly assailed. But they all send in their case if they get a summons; and I happen to be on the emergency committee and go into them. It is an astonishing fact that some men I have known have never had an ounce of butter, and when you come to ask them for their invoices they cannot produce them; they have only bought margarine.

3748. They have been selling margarine as butter, you mean?—I have met with that; I should not say many cases, but I have met with a case.

3749. But not many cases?—No, we have not followed it out so far.

3750. Have you any suggestions to make as to stopping these fraudulent sales?—I think there is a very simple manner of doing it. Would you allow me just to relate a circumstance that occurred to me when I bought a shop first, before I reply to that question?

3751. Certainly?—That will illustrate it better. An assignee in bankruptcy came to me one day and told me that he had a shop for sale; it was at 91, Prince's-road, Notting-hill. I bought it and I engaged the bankrupt, Mr. Dedman, as my manager: this was in June 1887. We went on all very smoothly and comfortably till what we call the season, the autumn, till butter became impossible to sell at a reasonable price, say 1*s.* a lb.; and I sent up butterine, as it was called in those days. A few days after my collector told me that Dedman was not selling this butterine on its merits, but selling it as butter. I went up to him, and he said, "It is no use attempting in this neighbourhood to sell butterine and calling it so. There are four or five tradesmen here, and we never do such a thing. We always sell it as butter, or the people would not buy it." I said, "You must trade honestly while you are with me, at any rate, and we must endeavour to make others do the same." He said, "Very good." I put the butterine tickets on that I had supplied him with; the trade went down, and three or four weeks afterward I saw him again and complained of this trade going down. He said, "You will not do what others sensibly do, give people what they like and what they want. They like the butterine, but they like to call it butter." I said, "I cannot do that; I must see the Inspector. Will you make an appointment with him?" and he said, "He will come fast enough." I saw him on the following Monday, and said to him, "Do you see all down there butter marked pure at 10*d.*, 1*s.*, and so on, and all on that side butterine"? "Yes," he said, "you are doing very nicely." I said, "Our neighbours are not doing that, and I want you to make them do it, either by cautioning them or taking samples." He said, "Don't you mind your neighbours; you are doing everything quite right yourself; you go on and don't interfere with your neighbours." And he walked out of the shop. I turned round to Dedman, who, by the bye, had been on the vestry himself; one reason that he adduced why they might not bother him was that he had been on the North Kensington Vestry, and I said, "I cannot put up with that; I must write to the vestry clerk or the chairman." He said, "Supposing you do; they will honestly wish to stop it, and will take every means to stop it; they will give the inspector instructions to take samples; but half-an-hour before he goes to the shops he will let them know he is coming, and they will get butter, and the vestry will be put to the expense of analysing it, and he will turn round and say, 'See what trade jealousy does.'" I was then powerless. Now if I had had what I propose we should have, I could have effectually checkmated that.

3752. What is your proposal?—I would have a central authority in addition to the vestry; I do not want to supersede them in any way, but I would have a central authority, such as Scotland Yard, to which any member of the public could go and have the right to instruct the police to take a sample for analysis. The complainant should leave his name and address and deposit 5*l.* If the sample proved to be adulterated the police should be the prosecutors; the complainant's name should never appear in it in any case: and the defendant upon conviction should be mulcted in the full costs besides the penalty; and the 5*l.* deposit should be returned to the complainant. If the sample was pure the cost of taking the sample and analysing it should be paid out of the 5*l.*, and the remainder forfeited. The deposit required would prevent frivolous or vexatious complaints. That ought to be an efficient guard against fraud. If the defendant were guilty he would be rightly punished. I cannot see that anybody would be damnified; if he were innocent, he would have suffered no wrong, but simply have sold a sample of butter. I do not think the general public would use these means, but they would be largely used by honest retailers against their dishonest competitors. The dishonest competitor, I contend, would never know when or from whence the bolt was going to fall, and would never put margarine up and sell it as butter; and the practice of fraudulently selling margarine as butter would soon be thereby so diminished that a very few detectives, having had half-an-hour's instruction how the samples are to be taken, could effectually deal with all the complaints that would be lodged for the whole of London.

3753. You think that in that way the trade, and honest members of the trade, would protect themselves against dishonest competition by means of the authorities?—That is exactly what we want to have. Give us some means by which we can do so without being prosecutors. We do not want to prosecute our neighbour; we do not want to appear in any way. Give us the means of

Chairman—continued.

of prosecuting a dishonest man, and dishonesty, in my opinion, must cease, at any rate in large towns.

3754. Do not you think that the number of transactions that the man would be able to have with the public would be sufficient to pay many penalties?—I do not think he would ever put it on. I should go up to my manager and say, "How is it you are not selling more shilling butter?" he would say, "Jones along there is selling splendid margarine and the people like it better."

3755. Then the whole protection of the public would depend upon the action of the trade in that place?—If I asked you to supersede the present procedure it would; but I say leave it. I do not ask that; it would be wrong to do so.

3756. You only wish for this as a supplementary method?—Yes; give us the means to have the samples taken; we cannot always induce the vestries to do it, and I do not wonder at it, and I do not blame them: they do not care to act every time; but give us the means of having samples taken and ascertaining what is going on, and we should do it week after week if the man persisted in it; he would not, in fact, be allowed to do it, and would not attempt it.

3757. Then you are led to make this suggestion of additional means of detection because you think that the present system is inefficient?—Very inefficient.

3758. Can you give us any illustrations of its inefficiency?—In that Notting-hill case what could I have done? I went on and I could not help it.

3759. Are the inspectors inactive, do you think?—Yes, I think they are; I do not say all of them. I know of some inspectors, I have been told of them, who are above suspicion. As for myself, I should be sorry to offer a bribe to any man; but by those men particularly I am sure it would be resented. At the same time, there are others who, I think, are open to it; not that I can prove that they have ever taken money. If a man commits murder he does not take a witness to see it done, and if he is going to take a bribe he does not take a witness to see it done; but I go upon what I have heard of as occurring afterwards; and, at any rate, I say the system lends itself to it.

3760. Can you give us any reasons for thinking that this practice of bribing inspectors is prevalent?—I believe that that Notting-hill man was bribed.

3761. That is your opinion?—Yes, that is my opinion.

3762. Have you any other instances to give us to justify such an opinion?—I know my manager asked whether he might give him 2*l.* at Christmas, and I said, "Certainly not."

3763. That was to give the inspector 2*l.*?—Yes.

3764. Have you any reason to suppose that that is largely done?—Only from the number of cases that one hears of, and the inefficient way in which, in some districts, the samples are taken. I think they do not wish to take them.

3765. That inefficiency creates a suspicion in your mind?—Yes.

Chairman—continued.

3766. But you have no tangible ground and no absolute evidence to justify you in making any assertion against these men generally, I understand?—No, except what is an open secret in the trade, where it is talked about. A salesman will tell you, "However does he get rid of so much?" "Why, of course, he sells it as butter." "But why don't the inspectors take it up?" "Oh, he has squared them." I know nothing more than that.

3767. It may be a matter of talk, but it is a grave matter to take away the characters of a body of public servants merely on evidence of that kind?—I take away the characters of some of them. I say that the system lends itself to it.

3768. You strictly limit your observation to some instances?—Yes.

3769. And you do not generalise as to inspectors generally?—No, certainly not; but from the nature of their other duties they are so well known by, and get to be so friendly with small tradesmen in the locality, or at any rate they can do so, and they will begin very likely from a kindly feeling and the wish to do a disagreeable act in a friendly manner. But it is none the less ineffective. You do not get the margarine sold as margarine.

3770. Of course all this opinion about inspectors is, to a large extent, formed on the opinions of persons engaged more or less in fraudulent practices themselves?—Just so; no doubt of it.

3771. And of course the man who sells margarine for butter, and still holds his head up and thinks he is as good as anybody else, is not likely to form too high an estimate of the morality of the inspector?—Certainly not; and for that very reason we who have a rather higher standard require protection and the means of keeping those dishonest men more on the line.

3772. You think that in any case where there is any difficulty in taking samples, or any obstruction to taking samples, there should be a heavy penalty?—Yes, certainly.

3773. Can you give us any illustration of the necessity for that?—Yes, I can indeed. A complaint was made to the Metropolitan Grocers Association that a man by the name of David Greig, of Atlantic-road, Brixton, was selling margarine as butter. The committee instructed their inspector to take samples at nine o'clock on Saturday night, a useful and right time, when the inspectors, as they think, are all gone home. He was dividing these samples, to conform with the law, into three portions; he had got them on the counter, when Greig himself came forward and said, "I am not going to have any of this game here, and swept the samples his side of the counter and took possession of them and offered the man his money. We applied to the magistrate for that, and the magistrate said that he did not see what he could do. It was a villainous case. The man had committed no assault upon the inspector, and he could not be charged with theft, because he had offered the inspector his money back again; and there was nothing really to do. If that had been an authorised inspector, any vestry inspector, there would have been some penalty for it.

3774. This was one of your inspectors?—Yes, one

Chairman—continued.

one of our inspectors; and I ask that the penalty shall be for obstructing anybody taking samples for analysis. Give the public the right to take samples.

3775. You think that the public ought to have the right to take samples for analysis, for their own protection, apart from those taken by public officials?—Yes.

3776. So that any society, for instance, for maintaining the purity of food might take samples?—Certainly.

3777. And institute prosecutions upon them?—Yes.

3778. Do not you think that that might lead to a great deal of vexatious prosecution of people?—It is too expensive; it costs the Metropolitan Grocers Association about 5*l.* to get a man fined 10*s.* We never take up a prosecution unless we are pretty well certain. For instance, if a man has been selling margarine for weeks and weeks, and perhaps we have written letters to him and he does not alter, and we know that he is doing it, then we take action; but it costs us about 4*l.* or 5*l.*

3779. You think that the cost is too much?—It is very unfair; it costs a great deal of money.

3780. There ought to be easier means of obtaining convictions in these cases, you think?—That is so.

3781. And you propose that this easier means should consist in enabling other persons to prosecute besides the public authorities?—Yes.

3782. And you would also ask, if possible, for a lessening of the cost of prosecution?—Yes. The cost is not so much in court as it is in the inspector, who is paid highly when he takes an assistant, a woman, when he charges for a day. And then there is the solicitor. We never ask for costs; we are afraid to do that. If a man is fined he is fined 40*s.*, and he has only to pay the costs of the court, some 3*s.* or 4*s.*, and all our costs are out of pocket.

3783. Have you anything else to say on the question of inspection?—I think not.

3784. You think that wrappers for margarine are not desirable, I understand?—No, I merely want to let you know that the public object to them.

3785. You think that they are good and useful?—I do not see how we are to dispense with them. I merely report the fact that the public object to them. There is a great deal said about protecting the public; but in my class of trade, which is among the working classes, they do not like being protected; they prefer having a shop that they can go to buy the stuff they like, that is, margarine or mixtures, and not be told anything about it. That is what they like; I know very well that nobody will agree with them. A manager of mine came to me some time ago and said, "I really do not know what we can do; they do complain about these margarine papers. The women say they do not want their husbands to know, and the better class of customers say they do not want their servants to know; and they do not like standing by the side of a neighbour and letting the neighbour know that they buy margarine. "However," he said, "it is

Chairman—continued.

principally these wrappers." I said, "You must use them. You should put it in into plain paper first of all (I think that will be legal), and then put it into the margarine wrapper and deliver it. When you have taken the money it belongs to the customer If she chooses to take off the margarine paper, I should think that she has the right to do so." We adopted that plan, and the floor of the shop was strewn with margarine papers; they simply took the article in the butter paper and put it in their bag and took it home.

3786. That was one way of evading the intention of the Act?—I can only say that we wrapped it in a margarine wrapper, and the party knew very well what it was, because it was the outside wrapper. The intention of the Act was, I take it, that the purchaser was to know what she was purchasing. Well, she does, certainly, because she takes it herself and takes off the wrapper and puts it away.

3787. Yes, I see the motive. Then you think that these wrappers really are objectionable to the public?—Very.

3788. And they interfere with trade?—Yes; but I would much rather have that than be obliged to make a verbal declaration at the time of purchase; that annoys them more than anything. There are so many things in the grocer's shop; it is ridiculous on the Saturday night; a woman will begin and say the same thing every Saturday night; she comes in and says, "Two pounds of Demerara." If the assistant carries out his instructions he would have to say, "It is yellow crystals; it is not Demerara sugar." Then, perhaps, she asks for half a pound of coffee; and if he carries out his instructions he would have to say, "It is coffee and chicory." "You told me that last week; I do not want to know that." Then perhaps she goes to the margarine counter, and there are, perhaps, some other women waiting to be served, and a Mrs. MacStinger, will, perhaps, say: "These young men talk a great deal too much; it would be better if they would talk less, and serve more." What chance would a young man have then? I would, therefore, simply have these wrappers instead of any verbal declaration. Tell us anything that we have to print, and we will print it.

Mr. *Kearley.*

3789. With regard to your opinion as to the assistants being joined with the employer in any prosecution that may take place, I take it that you hold those views in consequence of the prosecutions taking place under the Sale of Food and Drugs Act?—Yes.

3790. Would you withdraw your objections if all these prosecutions were to take place under an Act that gave the employer the power to hand the assistant over to justice?—Are you now speaking of, if imprisonment were the penalty?

3791. Yes. I should not like to withdraw it. You see human nature is so liable to mistakes, and where you have a lot of assistants you cannot see exactly where they come in. It would mitigate in a great measure my objection if all prosecutions were taken under the Margarine Act.

3792. Still

Mr. *Kearley*—continued.

3792. Still you do see, I understand you to say, a danger that you, as the employer, might find yourself face to face with a third conviction?—I do.

3793. But, surely, if the Act empowered the employer to hand over an assistant to be tried for an offence, he would run no risk at all if he were acting fairly all the way through?—There is, perhaps, 14 days between the hearing of the summons and your receiving it; so supposing that you could not find that assistant, if he knows that he is liable to anything, where will an employer be then? That is a very likely thing to occur. You have young men at 25*s.* a week who have no ties; when they put their hat on their family is covered. If such a man were liable to get 14 days' imprisonment, when I wanted him for the court he would be *non est*, I am afraid.

3794. In another answer just now you were speculating on the chance of accident; what would be the chance of an assistant being absent in that 14 days?—I have not gone into that, and I am not a very ready reckoner.

3795. It would be very small, would it not?—I should think it might occur; of course, the chance may be remote.

3796. Still, I think you have made it clear to us that you had an objection to these prosecutions taking place under the Sale of Food and Drugs Act, because that takes away from the employer the right that he fairly is entitled to enjoy under the Margarine Act?—I was put, in the Edmonton case, in such an anomalous position. Here was one Act under which I was innocent, and here was another Act running with it under which I was guilty. That appeared to me ridiculous.

3797. Under one Act you would have had a perfect defence?—Yes.

3798. Under the other you had no defence at all?—None.

3799. With regard to this invoice that you produced, I take it that it was held not to be a warranty simply because the article it described was not additionally described in specific terms on the invoice as being guaranteed pure?—Yes.

3800. I presume your invoice described the goods as butter?—As butter.

3801. But that was held not to be a warranty?—Yes, it was held not to be a warranty. It would have been under the Margarine Act; it is a warranty under that Act.

3802. I do not think it would have been even there, unless it was guaranteed pure, would it?—Yes, I think so.

3803. Never mind. Under this particular Act it was held that owing to those words not being present on the invoice you could not claim that the invoice described the goods as what they were, as butter; that you could not produce that as the warranty?—Yes. I think that as the law requires of the retailer that if a customer asks for butter he is bound to supply butter, so if the same man has to buy, the law should also protect him; and if he buys butter, and it is invoiced as butter, the law should hold that he has got butter which he has had to sell. There should not be two laws; it is very unfair to him, I think.

Mr. *Kearley*—continued.

3804. You think that if goods are invoiced as butter the invoice should be admitted as a warranty?—Yes; or if he sells coffee, or anything else.

3805. With regard to this Notting Hill case that you have mentioned, where the manager that you took over, I understand, when you acquired that shop, insisted that to maintain the trade it was necessary to sell margarine under the guise of butter, did I correctly understand you to say that that particular manager wanted to give 2*l.* to that particular inspector?—That particular manager asked me about November whether he might give a couple of pounds to the inspector.

3806. And that left no doubt on your mind as to the purpose of this Christmas box?—It was for that; because he had not troubled him, nor any inspector. That is now seven or eight years ago, and he has never been into my shop since for any article, so far as I know, in those seven years.

3807. Is that inspector still employed in that district?—I do not know; I have not the slightest idea. It was about October, 1887. It can easily be ascertained.

3808. You do not know his name?—I do not; I never saw the man but once.

3809. We could trace the name from the date?—Yes.

3810. You are certain of the date, are you?—It might possibly have run into December, or January, 1888; it was in that season; the first season after I had taken the shop.

3811. But, so far as regards that case, you are in a position to make a definite accusation of bribery?—I am, so far as that case points to it.

Chairman.

3812. Just allow me for a moment; you have no proof of bribery?—Not the slightest.

3813. It is only one of the persons whom you employ asked you whether he should give 2*l.* to the inspector?—Yes.

3814. You do not know whether the inspector would have taken it?—I do not. It is evidence for what it is worth; it is circumstantial, as I said. The inspector would not have taken it, I daresay, if a third party had been there.

3815. He might not have taken it if no one had been there but the person who offered it?—But you must take that in conjunction with my experience where he walked out of the shop. So far as I am concerned I believe that man was open to bribery, and I base my opinion on the fact that he would not take samples from other people which he was told were glaring cases, and also upon what Dedman told me, namely, that they had been so friendly and had been all right for several years; and then also there is the fact that Dedman asked whether he might offer him 2*l.* at Christmas. I put all those things together, and I believe myself, rightly or wrongly, that the man was open to bribery; but, of course, I cannot prove it.

Mr. *Kearley.*

3816. I was going to ask you that; but you would like it, no doubt, to be put on the records that you do not make a general sweeping accusation against the inspectors everywhere?—Certainly

Mr. *Kearley*—continued.

tainly not. As I say, I know several who are above suspicion.

3817. Do I rightly interpret your views and ideas when I say that, viewing the circumstances that came under your notice, you drew the inference that this man was open to be bribed?—You do.

3818. It did not arise merely because your manager wished to give him 2*l.*, but from his conduct when you sent for him and protested that your competitors were selling margarine as butter openly?—Yes; and the fact that he had not taken samples for some years, as well as what I have told you.

3819. And you suggest that you would have a weapon in your hands, or the trade would have, if on occasions such as you have mentioned they could apply to some central authority?—Yes.

3820. Subject to the conditions that you have set forth?—Yes.

3821. Asking that authority to test the honesty of certain traders?—Yes. Of course, the essence of the thing would be that the inspector was not known to the party he was going to, and that he never knew to what locality he was going. If you have local inspectors it is not of any value.

3822. And in the event of prosecution taking place the name of the tradesman would not appear?—No, the name of the complainant. The man would be prosecuted by the authorities.

3823. Are not magistrates rather prone to view with suspicion a prosecution that is instigated by a rival trader?—Very.

3824. And these men that are dishonest, or are convicted, are rather liable also, I believe, to vent their disgust upon those who put the law in motion against them?—Very.

3825. Have you anything to say with regard to the statement made before the Committee that there was a practice adopted of putting half a sovereign in the scale; I do not know quite what was intended; but we were given to understand that you would have some evidence to give upon it?—Was that Mr. Hudson's evidence?

3826. Yes?—I do not know where he got the half sovereign. The only case that I told him, or that I remember, was this: and it was told me by this gentleman (*handing in a name*); what he will say I do not know; I have not seen him, but I believe Mr. Hudson and Mr. Lovell have seen him, and he admits that he did say it, but he does not wish to appear as a witness.

3827. Is the evidence that you have there of a hearsay character?—It is from that party.

3828. Then I do not think we had better proceed with it?—Very well.

3829. There is only one other question that I wish to ask you with regard to these wrappers; you have stated as the fact that the public object to these wrappers?—Yes.

3830. But you do not suggest the doing away with them?—I cannot. I cannot see any substitute for them; I think they must be continued.

3831. May I ask you whether you consider that it would be a very dangerous thing to do away with them?—I do not.

3832. Would it not be liable to increase the fraudulent practices that are proceeding?—I do not see in what other way you can intimate it to the public sufficiently. You can, of course, have the article ticketed "margarine," from which a lb. is cut; but I presume that that would not be sufficient intimation to the public; so I think you must keep to the wrappers. I merely instance this, not to get rid of it, but to show that the public do not require so much protection as is thought; that they would rather be without a good deal of it, in my opinion. I know you must give it.

3833. But if this protection were withdrawn, do you think that the public would fare as well as they do now?—Perhaps not.

Mr. *Colman.*

3834. You have a good many managers in your different shops?—I have several.

3835. Is this case that you have referred to the only one that you have had of any of your managers and the inspectors?—Yes, I think it is the only one I have had, this case, but I am not very clear about it. It is the only one I can at the moment call to mind.

3836. I do not know whether you put clearly that this was a suggestion from your manager, or from any hint on the question that he had from the inspector?—I cannot form any better opinion of that than anybody else. I think I have narrated exactly as the circumstance occurred. I must admit that it struck me that it had been usual (that is what I thought at the time) to give this man 2*l.* at Christmas; but I did not pursue the subject; I said, "You must not do anything of the sort from me."

3837. I think you said that was some few years ago?—It was in 1887, or it might have been early in 1888; but I should think it was in 1887, in the autumn or winter.

3838. Now you referred to baskets; I am under the impression that we have had evidence here that in some instances labels are put on baskets in such a way that they cannot be removed; have you any experience of that?—I never saw them. A champagne opener would cut off any labels, it strikes me. But a margarine manufacturer could tell you better about that.

3839. Could they be fastened on with wire, or in some way that would make it difficult to remove them?—I can understand that it would be difficult; but I can understand that such an enormous profit as this man was making would make him adopt measures to overcome any difficulty, if it was to be done.

3840. Are you aware that in some shops now margarine is sold from one counter and butter from another counter?—Yes, I have heard of such a thing; and I have some shops where the top part is for butter, and there will be a small division, and the continuation of it, as it were, would be for margarine.

3841. Do you happen to have any labels which you use for sending margarine out with?—No, it is simply the word branded. I allow nothing else to be put on but the word "margarine." I think it is a great mistake to allow anything else to be put on. I have it stamped in the middle, so that it falls outside, just where the public will see it. It is not stamped; it is printed on the regular sized paper for a quarter of a pound, a half

Mr. *Colman*—continued.

half pound, and so on, with the word "margarine" stamped in the right-sized letters.

3842. Then the customers do not come in and want it put on plates; you can always put the label on the margarine?—Yes. So far as I know I have not heard of any plates; it may occur sometimes. Then they can first of all put it into a margarine paper if they choose.

3843. When the inspector comes in and asks for it does he have the wrapper put on as well?—Certainly.

3844. Does he sometimes repudiate the wrapper?—I have never known of such a case. Really I have had so few cases of any inspector coming at all that I do not remember, with all my shops, for years past, any but those two cases that I have given you. I think there may have been two or three more where I have been found to be right; but I am not sure that there have been; I have had so few cases I really do not know.

3845. What societies are there which conduct prosecutions where they think there is a fraud?—There is the Metropolitan Grocers' and Provision Dealers' Association, and the Pure Butter Association, I believe; but that I know very little of. I was nominated as a member last week or the week before.

3846. That has been recently formed, has it not?—Yes.

3847. Is there anything else?—No, I know of no other.

3848. With regard to this supplementary authority, how could it be worked in small towns or country districts?—There I see a great difficulty. I have no doubt it would be difficult unless you allow the authority to be in some other town. A man would have to go 20 miles, perhaps, to put it in motion; or you might have a central authority possibly for a district.

3849. You are thinking more particularly of the Metropolis or large towns?—Manchester, Birmingham, and such towns, and the Metropolis; and if you stopped it there you would have gone a great way towards stopping fraudulent trading.

Mr. Joseph Rideal Webb, called in; and Examined.

Chairman.

3850. You represent the Provision Section of the London Chamber of Commerce, I think?—Yes; I was asked to come here on their behalf.

3851. You are the vice-chairman of that section?—Yes.

3852. And you are also connected with the Home and Foreign Produce Exchange?—Yes.

3853. And you are one of the cheese subcommittee of that body?—Yes.

3854. Of which you are chairman?—Yes.

3855. And you have had your attention called to the evils that arise from the importation of adulterated cheese?—Yes. A few years ago we used to boast that cheese was about the only article of food that was not adulterated, but I am sorry to say that in the last few years we can no longer say so with truth. A large trade has sprung up in making and sending to England an article which is called imitation cheese, or filled cheese the Americans call it, and it is having a very serious influence on the trade generally.

3856. Does this filled cheese come mainly from America?—Yes, the largest quantities come from America, but there are also supplies coming from Hamburg and Holland, and there is also some considerable product made in this country, or rather in Scotland. One of your witnesses, Mr. Clements, a short time ago said that he was making it and sending it forward.

3857. Can you tell us how it is made?—It is made from skimmed milk; and then to disguise the poverty of the article there is an addition of lard. I think in America they largely use lard. In this country I think they use oleo oil, or any other foreign fat, in order to make as close and good an imitation as they can. But the result is not a cheese; is not even an inferior cheese; it is an article with quite different qualities to genuine cheese in every way, but it merely serves the purpose of an imitation which may be passe doff

Chairman—continued.

on the public as an article looking like cheese, which they cannot distinguish.

3858. Then this mechanical mixture of these products of which you speak is made up to look like the best cheese?—It is made up to look like the best cheese in various shapes. It is sometimes made to look like the finest Canadian or American, or Edam, or Gouda Dutch cheese. For instance, Mr. Clements, who says he makes it up as a cheap article of food, makes a good many of his up in Dutch shape instead of an imitation of a good honest Scotch or English cheese.

3859. Now that does not keep, does it?—No, it will only keep for a certain time. Of course the fat is merely held there mechanically, and if you take it between your fingers and rub it the oil will all separate. It is only a question of time and conditions and circumstances under which this oil will separate entirely. Of course a genuine cheese is curd, which becomes cheese by a natural (you may call it) chemical process, or whatever it is; I am only speaking practically, not from a chemical point of view. Curd becomes cheese by a certain action that takes place in it in process of time, when it becomes matured, and a palatable and wholesome article; but this stuff, when it is first made, comes over here and it does not change much; but after a time, and generally suddenly, these added fats separate and begin to become offensive and rancid.

3860. If this adulterated cheese has these bad qualities, and is so easily detected, is it not a wonder that it survives on the market. How is it that it is not driven out of the market by its own bad quality?—I may say that reputable merchants, the bulk of the trade, have set their faces against it for that reason; but there is always a certain fringe of traders in every business who are not quite so scrupulous, who, for the

Chairman—continued.

risk of the present profit, will keep on with the traffic, and that is the way the thing is still kept to the front. Besides, you see the importers do not keep it long enough to find out the ill effects. It is passed on to the wholesale dealer and to the retailer, and then again to the public. If one of the public gets a bit of this cheese, as you know the poorer classes have very small opportunities of keeping their food in decent order, it is put into a hot cupboard in a hot room, and so on; if they find this bit of cheese goes bad, it is not sold to them as imitation cheese, it is sold to them as genuine cheese, they do not discriminate; they do not know why, but they say, "This cheese is bad; we will not have any more cheese"; and they stop eating it. That is one reason it does not come back. You say, "Why does not it kill itself?" There is always a fresh set of people prepared to try it. There have been large sums of money lost on it, and at the present moment there are large sums of money being lost on the importations; but that does not matter, there is always someone to do it. But I wish to point out here that we are opposing this, because it is not a genuine substitute. We say it is not cheese, and is not a wholesome or a suitable article of food.

3861. Have you any evidence beyond your opinion as to its want of wholesomeness?—Well, I should say that anybody's opinion would tell you. For instance, if it is mixed with lard we all know that lard is a very wholesome and useful article. On the continent it is largely used in the place of butter, spread largely on bread, and so on, but the English public do not take a fancy to it. But good sweet lard is a wholesome article and an edible article. But if you put that lard in contact with the curd of cheese, or you deal with it after it has been treated with rennet, as it is to make up this cheese, you get a very nasty product; skimmed cheese in itself may be harmless enough; it is harmless enough, at any rate, but it is a distinct natural thing. But if you bring it in contact again with a fat that has been tainted by the admixture of rennet and with a cheesy flavour you spoil both; you spoil two good articles. If you can have your curd separate, and your lard pure in its natural state separate, it is good enough.

3862. Does not it occur to you that if you spoil two good articles it must be a very unprofitable kind of manufacture?—The proof of that is that the manufacture has increased. The profits, you see, are so large as the thing goes through that there is a temptation to risk the ultimate losses that generally accrue at the end of the transaction.

3863. The primary profits are sufficient, you mean, to encourage them to go on?—You must remember that this is not sold as a cheap product of food; it is sold absolutely in competition with sound, full, cream-cheese; it is made up to take their place and to compete with them; therefore the profits when it goes through are very large.

3864. I understand; I only wished you to explain the difficulty. Do you think it is a serious injury to agricultural produce?—I think the best proof of that is the action which the various countries which are largely concerned in

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dairy products have taken about it, because it is unanimous. It comes from the dealers as well as from the cheesemakers. Now we have our largest supplies from Canada; and here is the Act of Parliament which was passed a couple of years ago, I think; I will just read you, if I may, the two sections which apply to this: "No person shall manufacture, or shall knowingly buy, sell, offer, expose, or have in his possession for sale, any cheese manufactured from or by the use of skimmed milk, to which there has been added any fat which is foreign to such milk." "Every person who, by himself or by any other person to his knowledge, violates the provisions of this section shall, for each offence, upon conviction thereof before any Justice or Justices of the Peace, be liable to a fine not exceeding 500 dollars and not less than 25 dollars" (100*l.* down to 5*l.*), "together with the costs of prosecution, and in default of payment of such fine and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such fine and the costs of enforcing it are sooner paid." Therefore, it is absolutely impossible to make them in Canada, under the law.

3865. But have other countries taken a similar action?—In America, in New York State, and I think in Pennsylvania, and Massachusetts, it is also prohibited to have them in any way; if they are found they are confiscated; they must not be made or sold. But they have been principally made in the two States of Wisconsin and Illinois. Now we have been in communication with America about this matter, and this is the copy of a letter we have received from the New York Produce Exchange, which is the great institution there, in response to our applications to them to do all they can to discourage the trade. This is dated the 5th of February of this year: "At a meeting of the Committee on Cheese of the New York Produce Exchange, held this day, your circulars of 20th April and 19th November 1894 were read, received, and I was directed to send copies thereof to the United States Secretary of Agriculture and President of the National Dairymen's Association, urging action that will tend to suppress the manufacture of adulterated or imitation filled cheese, which has been done." That, of course, is to try and inaugurate Federal legislation to cover the whole of the States, because in the meantime the individual States have been, of course, subject to their own local laws; but, as they have made this article freely lately in Illinois and Wisconsin, we have also sent memorials to the Governors and Legislatures of those States urging them for legislation in that direction. The witness who is to come after me, Mr. Rowson, will inform you that they have information that such an Act has already been passed in Wisconsin. This is a letter we have received from the Secretary to the Governor of the State of Illinois on the same subject. This is dated the 9th of April, and is addressed to the Home and Foreign Produce Exchange: "Governor Altgeld is in receipt of a recent communication from your company in regard to the cheese-making industry of our State" (that was the memorial asking them to prohibit the making

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making of it). "He directs me to say, in reply, that the abuses you complain of are sought to be remedied by a Bill just now pending before the General Assembly in Session at this time. It is thought probable that this Bill will pass and become law."

3866. Have you reason to believe that large amounts are imported?—We know that large amounts are imported, but it is impossible to say exactly how much, because the Customs enter all this as cheese, and will not assist us in any endeavour to make any discrimination.

3867. How would you like them to assist you?—We claimed that they had no right to enter these as cheese; that they should be entered as imitation cheese, as what they were; and, if you will allow me, I should like to put in the correspondence we have had with them on the subject.

3868. Certainly?—I should say, as regards part of this correspondence, in the first place, that we cannot act under the Merchandise Marks Act, because there are no marks on this cheese, except the mere distinguishing shipping letters; otherwise there are no marks at all. Our point was this: that it was their duty and their business, where we pointed out that false entries had been made, that they should prosecute the people, not we; I believe there is a law by which it is made penal to make a false Customs entry. But they claim that it is our business to prosecute, and not theirs. However, this is what we tried to do. This is a letter from our Cheese Sub-Committee to the honourable Board of Customs. I might say, in passing, that all this has had the endorsement of the whole of the members of the Produce Exchange, which perhaps is the leading body in the provision trade in the City of London: "We are informed that regular shipments of imitation cheese are arriving from Hamburg, and that, after passing the Customs, they go into consumption as the real article. These goods have no marks on them beyond the shipping letters, and they have no indications on them that they are made in Germany, which would betray their character, as we do not import genuine cheese from Germany." (There is no cheese made in Germany which is imported, so that that was sufficient). "We understand that your officers consider that they have no power to interfere with them. Now it appears to us that as these goods come in under a wrong and misleading description (being entered as cheese, which they are not), you might be able to assist us in checking this injurious traffic. They have no claim to be called cheese, although got up to look very like them, and are calculated to deceive the inexpert. They are a mixture of foreign fat with poor curd from skimmed milk, and have not the qualities or characteristics of cheese made solely from milk: your analysts could have no difficulty in detecting the difference. The matter is of serious import to all who deal in an honest article, and also to our home producers of pure goods. Enclosed is a copy of circular which has been issued to the trade on the subject." In reply to that they say: "In reply to your letters of the 23rd ultimo and 4th instant" (this is dated the 5th of May, 1894) "requesting that

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consignments of imitation cheese imported from Germany, and entered as cheese, may be detained from this Department, I am directed by the Board of Customs to acquaint you that it will be necessary for you to furnish them with the requisite detailed information by means of formal notice, and to make a deposit, and to enter into bond to indemnify the Crown in any action taken on its behalf, as prescribed in the regulations made by the Commissioners of Customs, under Section 16 of the Merchandise Marks Act, 1887. The exact mode of procedure under these circumstances is indicated in the paragraphs numbered 1 to 7 of the said regulations, copy of which is herewith enclosed for your guidance, together with a copy of the form of notice and request for detention, and also of the form of bond alluded to. Upon your returning this notice duly completed as regards any particular consignment, the Board will be prepared to deal with the goods referred to therein on their arrival in this country." Our reply to that was: "In reply to your favour of the 5th instant, our object in writing was because it appeared to us to be a matter for action by the proper authorities, in the interest of the public, not a mere question for a prosecution. The course you suggest does not help us at all. We are only able to identify any particular consignment after it has passed through your hands and been distributed, when, of course, it is too late. It would be very easy for you to test a Hamburg shipment, even if you did not detain it, which would then give you a line for action on subsequent arrivals. We presume it is your duty to see that the entries passed with you are not false, and that this point is not for private intervention, beyond giving you such information as we have done. Some years ago you acted in this direction, and for a time you insisted on similar goods being entered as imitation cheese." Their reply to that was: "I am directed by the Commissioners of Her Majesty's Customs to inform you, in reply to your letter dated the 10th instant, that if you are unable to proceed in the manner indicated in the letter from this Department of the 5th preceding, and that if you have reason to believe that this imitation cheese is being retailed as cheese, your best course will be to apply to the Board of Trade, or the local authorities having power to deal with matters of this description under the 'Sale of Food and Drugs Act.'" Then we sent the correspondence to the Board of Trade and asked for their assistance, and this is our letter: "I am directed by the Cheese Sub-Committee of this Exchange to bring to your notice the enclosed correspondence which has arisen between the committee and Her Majesty's Board of Customs on the question of the importation of imitation cheese, and to ask your kind assistance in the matter." The Board of Trade wrote us: "I am directed by the Board of Trade to advert to your letter of the 26th ultimo on the question of the importation of imitation cheese, and, in reply, to acquaint you, for the information of the Cheese Sub-Committee of the Home and Foreign Produce Exchange Company, Limited, that the Board of Trade have been in communication with the Board of Customs on the subject. The Board of Trade

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are informed that the Customs' officers, in dealing with imported cheese, are careful to see that there is no infringement of the Merchandise Marks Act so far as the marks are concerned, but that they cannot be expected to detain goods merely on suspicion of their being falsely described as to the material of which they are composed." I may just say there that they miss our point. I imagine that if we can prove afterwards that the goods have been falsely marked they can still follow the offenders. "The Board observe that the Commissioners of Customs, in their letter to you of the 21st May, referred to the Board of Trade in terms which might appear to imply that the latter possess some jurisdiction under the Food and Drugs Act, 1875. The reference, however, should have been to the Local Government Board and not to this Department. In that letter the Commissioner of Customs informed you of the circumstances under which they might be able to take some action as you desire. The Board of Trade have certain powers of prosecution conferred upon them under the Merchandise Marks Act, 1891, as regards offences under the Merchandise Marks Act, but they have no authority to take proceedings under the Adulteration Acts. As the Board of Trade are advised that no infringement of the Merchandise Marks Act has been committed, the Board have thought it expedient to forward the correspondence to the Local Government Board, with a request that they will communicate with you on the subject." Then the Local Government Board wrote us: "I am directed by the Local Government Board to state that they have received from the Board of Trade a copy of the communication which you addressed to them on the 26th May last, with reference to the question of the importation into this country of imitation cheese, together with a copy of the letter which the Board of Trade forwarded to you on the 7th instant on the subject. Adverting to the reference to this Board in the last-mentioned letter, I am to state, for the information of the Home and Foreign Produce Exchange Company, Limited, that the enforcement of the Sale of Food and Drugs Acts devolves on the local authorities, and that the Local Government Board could not undertake prosecutions in the case of alleged offences under those Acts." Then we gave it up, so far as the Government offices were concerned.

3869. But, still, you have had some prosecutions?—There have been none in London, but Mr. Rowson can tell you of some action that has been taken in Liverpool and the district in that direction; and there have been some convictions, but with very small penalties.

3870. Having arrived at the conclusion that the Government cannot help you, are you prepared to make suggestions as to what you would like done?—As to the question of following it up under the Merchandise Marks Act by individual prosecution of the retailers, we cannot go into the wholesale warehouses and there stop it, which would be the most effectual way, or at the Customs. To put the Merchandise Marks Act in force against the retailers is practically impossible. You know these cheese are cut up into a large number of pieces; they may be served over the counter, or a board, mixed up with all kinds of genuine cheese; and it is practically impossible to undertake any regular prosecutions in the matter. Besides, as we maintain that they are a fraudulent imitation, and not a wholesome substitute for food, we see no other method but entirely doing as they have done in America and Canada, prohibiting the sale and dealing in them.

3871. Would you prohibit the manufacture as well as the sale?—I would prohibit the manufacture as well as the sale, because, of course, they are no use for export.

3872. Then in order to avoid any risk of innocent goods being seized, would you make provision for an appeal?—In the first place, we are assured that there is no difficulty in the analysis; it is a very simple matter.

3873. It is easily detected?—It is easily detected; and the mere question of a detention of 24 hours, say, at the Custom House, would not be any injury. It is not like dealing with fresh butter or any immediately perishable article; there would be no hardship on anyone to detain a suspected article for 24 hours while an analysis was being taken. And we should like it possible to be able to stop these at the Custom House, and then, if they got through, to go a step further and stop them also with the wholesale dealers, because we should like the power to confiscate, not a question of a mere fine. Nothing would stop this trade like that. People would not send it to this market with the risk of its being confiscated.

3874. Therefore, your suggestion in brief amounts to this: that you would like a law which would prohibit the manufacture or importation of such cheese?—Yes.

3875. Which would enable the Customs to stop them and analyse them at the port of entry?—Yes.

3876. And enable the public authority to enter the premises of the wholesale dealers and detect them, if there, and confiscate them?—Yes. Then, as analysts of course are only human, and sometimes liable to err, we should not like to be at the mercy of any individual. We of course are all dealers in the genuine article, and we do not want to run the risk, by the error of an analyst, of a large parcel of our genuine goods being stopped and confiscated upon the mere verdict of one particular analyst; and therefore it would be necessary that there should be proper provision for an appeal in some form or another. Whether it should take the form merely of an appeal to a competent body like the Somerset House analysts, or whether it ought also to involve a question before a magistrate, I am not prepared to say.

3877. You would leave that to future decision?—Yes. But at the same time it ought not to be left entirely to individual action to put these things in force. Generally, we say that some central authority ought to be able to act when we give them information.

Mr. *Kearley.*

3878. Do you draw a distinction between skimmed cheese and filled cheese?—Yes, a great distinction.

3879. It would be necessary, then, to have a definition

Mr. *Kearley*—continued.

definition of cheese, would it not, similar to that expressed in the Act you read from?—Yes, I think so. I think there is a definition that cheese is an article made wholly from milk.

3880. But, of course, you are aware that there are large quantities of skimmed cheese sold, which are considered a very good article?—Yes, there are large quantities of skimmed cheese sold. I personally see no reason why you should interfere with that, because they carry their own protection with them. They are, of course, a poorer article, but they are so far an honest article, and the public are not deceived by them; the public do not buy the skimmed cheese for the full cream cheese.

3881. Would you apply that to what are known as half-skimmed cheese?—Well, you see, there goes the protection. If they take out all the fat they get a worse article; if you leave in more you get a better article right away up to the top; and I do not think the public need any protection from that.

3882. Beyond a definition as to what constitutes cheese?—Beyond a definition as to what constitutes cheese.

3883. But as regards these filled cheeses, you would prohibit the importation altogether?—I would prohibit the importation altogether, and I would confiscate them when they were imported.

3884. Did I quite understand you accurately when you said, or I understood you to say, that these filled cheeses were sold in competition with full cream cheese?—Yes. The whole idea of the trade is to make up an article that will pass as against not quite the best cheese.

3885. As a matter of fact, no expert would be misled in taking a filled cheese for a full cream cheese of a high quality, would he?—I can assure you that they have brought the manufacture of these Chicago or Western American cheese to such a point that shortly after they are landed, even a person who has been in it all his life would have to look at them very closely to detect the difference, some of them.

3886. Now in Canada there is no filled cheese made within your knowledge, is there?—No.

3887. And very little skimmed cheese, as a matter of fact?—I do not think there is any skimmed cheese; of course it may be made there, but it must be marked.

3888. It does not come this way at all?—It is not made there. They respect their product too much to allow that.

3889. And do you suggest that that arises because the laws are severe, or is it because they wish to maintain the high reputation which they have?—I have no doubt that the great majority of makers in Canada wish to maintain their reputation; but in order to protect themselves, as I said before, from the fringe of unscrupulous dealers who gather round every trade, they have found it desirable or necessary to pass the Act that I have handed in.

3890. If I may put it in another way: were not that Act existing in Canada would they be face to face with the same difficulties that surround the United States shippers?—They would be liable to them.

3891. It probably is within your experience that many of the shippers of the United States are anxious for this country to co-operate with their country in stamping out or discouraging the exportation of these cheese?—The papers which I have put in prove that conclusively.

3892. The Home and Foreign Produce Exchange have been in communication with the Produce Exchange of New York, I think; but I did not understand you to say that you had held any communication with the Chicago Produce Exchange?—No, we have not.

3893. And it is from the States in that district, Wisconsin and Illinois, that the bulk of these cheese come, is it not?—They have been almost exclusively made latterly in Wisconsin and Illinois, and the market for them is Chicago.

3894. Was there any reason why you did not carry on a correspondence with the Produce Exchange of Chicago?—We sent out our circulars, which I have handed in, to Chicago.

3895. But you carried on no correspondence with them on the same lines?—No, they took no notice of them. The Chicago Exchange, you know, goes upon the principle rather, as we found out in the lard adulteration years ago, of not interfering in that way. They say that the traders must look after themselves, that they have nothing to do with adulteration or not adulteration. We got no help from them before on the lard question, therefore we did not follow Chicago up.

3896. Now, with regard to the action which you suggest should be taken by the Customs, it practically comes down to a suggestion that there should be a rigorous inspection at the port of entry; is not that so?—I think perhaps that is a good deal to ask; but we might assist them considerably if we knew that these things were coming in. You see, unless we went into a regular detective system on the other side we could not trace specific lots, say, from Chicago into the Port of London, through all the railways and the steamers, and so on; but we have had various communications from Chicago and the neighbourhood at various times to say that certain parcels of goods were now on the way which were filled cheese marked so-and-so. Now, we could have given the information to the Customs that such parcels were coming, and asked them to analyse them, and detain them if necessary 24 hours for that purpose; but the mere fact, I believe, that the shippers knew that the Customs were on the watch for them, and might at any moment pounce on them, would act as a great deterrent.

3897. Then you do suggest that the Customs should have thrown upon them the responsibility of looking out for adulterated goods and stopping them at the port of entry?—I see no reason why they should not.

3898. And supposing that that became the practice, you would be able to afford them information in advance that would really put them on the scent of particular parcels of cheese coming along that were known to be filled cheese?—I have no doubt we could; but I might explain that my suggestions about the Customs and wholesale warehouses was to convey the impression that we did not want anything like a raid

Mr. *Kearley*—continued.

against retail shops in connection with this matter. We want to intercept them in their large blocks, and not to follow them in detail.

3899. You point out the difficulty of tracing them in the retail shops?—Yes.

3900. Now, you have been in possession, I understand, for some time past of valuable information upon which the Customs could have acted if they would have acted. You have known, I believe, of adulterated cheese being shipped?—Yes, but almost invariably after the date of the arrival.

3901. I misunderstood you?—No, it is since that communication that we knew of these lots; we had the information from America of these lots coming in, but after those letters it was no good going into the question.

3902. I was coming to that point; your association lost heart?—Yes; we accepted their statement for what they meant, and, besides, we have had similar experience in other things before.

3903. The Customs passed you on to the Board of Trade, the Board of Trade passed you on to the Local Government Board, and the Local Government Board suggested the local authorities; that is about the history of your correspondence, is it not?—Yes.

3904. Then you retired from it?—Yes, as pleasantly as we could.

3905. You suggest that there should be power to enter wholesale warehouses to inspect original parcels of goods?—Yes.

3906. And of course you would extend that to stores where cheeses are stored, and to warehouses like Hay's Wharf and Farringdon-street?—Yes.

3907. And you would give a right of appeal against an analysis?—Yes, certainly; I think that is very important.

Mr. *Colman.*

3908. Have any of these cheeses been examined and reported on by analysts, or by Somerset House?—We have taken no prosecutions in London, but I understand that Mr. Rowson, from Liverpool, has analyses, which he is prepared to submit to you, that have been taken down there by the local analyst.

3909. Is there any large quantity of this imitation cheese coming over to this country; what percentage does it bear to the whole importation of cheese?—It is very hard to say; but it has come in in the last few months by thousands and thousands of boxes.

3910. Can you tell us at all the time when the Board of Customs did act; in your evidence you referred, I think, or in some letter, to the fact that some time since the Board of Customs acted; have you any idea when that was?—I have not looked up the date, but I should think it was about four or five years ago. At that time Denmark was sending moderate amounts of this imitation cheese, and they always entered them as imitation cheese; and then, of course, we knew what was coming and we could trace them. We knew who was dealing in them and could keep an eye on them. But they dropped that; I suppose some of them entered them just as

Mr. *Colman*—continued.

cheese and found it made no difference, and so they thought it was a pity to brand the article.

3911. The evidence we have had has been that there has not been much adulteration of cheese; but I understand you to say that it is now becoming a very serious matter?—A very serious matter; it has affected the prices on the market in a way that it is almost impossible exactly to trace, but it has done so to a very serious extent.

3912. What price can it be purchased at?—It is very variable. When the thing came in at the beginning of this year they were making as high as 40*s.* and 42*s.* a cwt. for it, at which price you could have bought some very good medium full cream cheese. I believe that the stir we have been making has rather interfered with the sale; it has frightened the retailers from dealing with the article, because they are afraid of prosecutions, and the price now is very irregular. I believe they have been sold down as low as from 20*s.* to 28*s.* lately.

3913. But you believe they can be made very cheap?—I do not think they can be made as cheaply as that. I do not know the price. I did hear the other day that a man from Chicago said they could be made from about 6¼ cents., that is a little over 3*d.* a lb. over there; that would bring them to about 3⅜*d.* here; but then retailed that would not be a very cheap article.

3914. Has it had any serious effect upon the price of cheese up to the present time, do you suppose?—It is very hard to trace cause and effect in the market; but all I can say is that the price of medium cheese in the market is very low, and the market is very much depressed for the special sorts of cheese that this would come in contact with.

Mr. *Frye.*

3915. That is the same with all articles, is it not; take sugar, for instance, or bacon, or lard?—The prices are low, yes; but I am speaking relatively. Relatively the price of medium cheese to the finest, say, shows a wider margin at the present moment than is usual at this time of the year.

3916. Is it not the fact that Cheshire cheese quite lately sold at the very highest price ever known?—I think that was a few months ago; but that was merely bought for advertisement, like the celebrated tea that was paid so many guineas a pound for.

3917. I suppose this filled cheese is a very wholesome article of food?—I maintain that it is very unwholesome. If it is eaten while it is young it is very indigestible, like raw curd, and if it is kept till it is old it is very rancid and offensive.

3918. I thought you said just now that it was so well made and so good that experts could not tell it from the best cheese?—That was as to appearance; when it is first landed it is like a fine new cheese.

3919. And you think it is more indigestible than good English cheese?—Certainly more indigestible than a proper well-matured cheese.

3920. And I understand that you would prevent

Mr. *Frye*—continued.

prevent the importation of any cheese such as that into this country?—Yes.

3921. Supposing they made it in this country, what would you do?—I would prohibit the manufacture here also.

3922. How would you bring that about?—By making it penal to make it, or sell it, or have it.

3923. Do you know of any laws of that nature in this country prohibiting an article which is pretty well known to be a very wholesome article of food?—My contention is all based on the assumption that it is not; it is a fraudulent imitation of a good article of food, and is not wholesome.

3924. In America, there is a large quantity of cheese manufactured from which part of the cream is extracted, is there not?—Yes.

3925. Would you prohibit the importation of that?—No; that trade is gradually diminishing of its own weight. People get educated up to a better article. But there is no fraud about that; that is honest, and anybody can judge of the difference between a skim cheese and a full cream cheese.

3926. And in Scotland there is cheese made with a quantity of margarine, is there not?—Yes; Mr. Clements gave evidence to that effect.

3927. And if that was sold under its proper name, would you prohibit the sale of it?—Certainly.

3928. Why would you do that?—Because it is not a wholesome article, and it is calculated to greatly injure the genuine article.

3929. With regard to other foreign cheeses, and colonial cheese, I suppose you have no objection to its coming to this country?—Certainly not.

Mr. *Newdigate.*

3930. You say that this cheese will not keep any length of time?—It keeps longer, of course, in cold weather than it does in hot weather.

3931. It will not stand the action of heat at all?—No.

3932. How long would it keep under ordinary circumstances, should you say?—I should think that at the beginning of the year it might keep from two to three months.

3933. Then I think you said that a good many of the poorer people if they buy cheese that will not keep, stop buying any more cheese?—Yes.

3934. They think there is something the matter with the cheese?—Yes, I should think you may lay it down as a pretty safe axiom with regard to provisions that bad quality kills the consumption far more than price does.

3935. Altogether then, you think that if the importation of this spurious cheese is not stopped it may be a still more serious thing for agriculturists?—Yes, I do. The people who are concerned in it are a small knot of people who look to make large profits to the detriment of the whole of the trade in this article, which has been built up in all these years.

3936. I think you said that it cost about 3*d.* a lb. to make?—To make it well I should think it would cost all that. I am merely telling you what I heard casually the other day, that a man from Chicago said it cost about 6¼ cents, that is a little over 3*d.* a lb. over there.

Mr. *Newdigate*—continued.

3937. And they send it over here and sell it at 5*d.* to 6*d.*?—They will sell it in competition with sound cheese for as much as sound cheese is bringing.

3938. But still they would always manage to sell it, perhaps, for a little bit less than sound cheese?—In order to get the trade they put it at a little bit less.

Mr. *Kilbride.*

3939. I think you described this filled cheese as a fraudulent imitation; and also as an unwholesome food?—Yes.

3940. Might I take it from you that your desire in prohibiting the importation of this cheese, and also in prohibiting its manufacture even in England, is largely in the interest of the honest producer and the honest dealer in this country?—Certainly. Personally I am engaged in the trade as a merchant; but in giving evidence I consider that I am speaking in the interest of the whole of the trade, from the producer up through all the grades to the consumer, that it is an injury to each one of those classes.

3941. Then in the interest of all these classes that you speak of, your strong desire is to put down the importation or manufacture of this article in the interest of the honest man?—Yes.

3942. And to prevent fraud?—And to prevent fraud.

3943. I think you stated that the reason that the manufacture and importation of this cheese is continued to such a large extent is owing to the large amount of profit that is made?—At times there have been very large profits made.

3944. Can you give the Committee any idea at all, when you speak of times at which large profits are made, what the amount is per cwt.?—It is a very speculative trade. At times the profits may have been 10*s.* a cwt. or more; I believe they were more than that last year when genuine cheese was scarcer. They may range anywhere; sometimes up to 10*s.* a cwt. or more, which is a large percentage.

3945. Would you prohibit all fraudulent imitations of food products. When you speak of fraudulent imitation I presume you do not confine yourself to cheese?—Certainly not; but I should not prohibit what may be a genuine substitute at a lower price. I should not prohibit margarine, for instance.

3946. Did you not tell us that a large quantity of this imitation cheese came from Hamburg?—Yes, there was a large importation from there a little time ago.

3947. It is still coming from Hamburg?—I think not. There is a margarine maker there who sent up some large weekly quantities, but I think that trade has stopped latterly.

3948. Would it be true to say that at any time within the last couple of years Hamburg has been a source of a good deal of these frauds?—I am not prepared to give an opinion upon that point.

3949. I think you told us that at the port of

Mr. *Kilbride*—continued.

entry, when any of your gentlemen connected with your association went to the Customs officers, they had to make a deposit first?—You have to give a bond.

3950. For what amount?—I think it is a percentage, but it is an appreciable sum. In an association that I was connected with once before, where we stopped some French butter, I think the bond was 150*l.* or more. A friend of Mr. Colman's, Mr. Copeman, gave the bond, I know. But it is a large sum relatively.

3951. And because it is such a large sum I presume it does not induce people to act?—It is prohibitory almost.

Mr. CECIL ROWSON, called in; and Examined.

Chairman.

3952. WHAT is your qualification?—I am a cheese broker of Liverpool.

3953. And you are a member of the Liverpool Produce Exchange?—Yes, I am sent to represent the Liverpool Provision Association.

3954. You have had a number of years' experience in this trade?—Yes, I have been 22 years actively engaged in it.

3955. The question of adulterated cheese has received a good deal of attention from you and others, I believe?—Yes, we have received large quantities of it in the North of England; I think much more in proportion than anywhere else; and it has been a great source of trouble to our trade, because in the North the people like a very mild cheese, and they have taken this rather readily, more readily than they would a summer kept cheese, so that there has been an inducement for manufacturers to send larger quantities into our part of the country.

3956. And have you had large quantities sent there in the last year or so?—Yes, in the last 15 months every week during cool weather.

3957. How much should you say?—The minimum figure, I should think, has been 20,000 cwts.; I should not be surprised if it had been 30,000. The greater part of that was sent in last spring; it can only be made in winter; it will not hold together in warm weather.

3958. Is it sent mainly from the United States?—Yes, from Chicago.

3959. Do you get any from Holland?—No, we do not go into that trade at all. I could not give any information about the Continental trade.

3960. Then, practically, this trade you refer to is from America?—Yes.

3961. And this article, in your opinion, is detrimental to the public health, from the point of view of nutrition?—Yes, we think so, because the component parts are not the proper constituents of cheese. If you take neutral lard, from which the low qualities are made, it is hog fat rendered at a very low temperature, and so is not cooked.

3962. But in spite of that it presents the appearance of good cheese, I understand you to say?—Yes; the manufacture is so complete now that it wants an expert to tell the difference between it and good cheese.

3963. And you think that it is not nutritious, and also that it is very liable to decomposition?—Yes, that is my experience.

3964. And it is altogether a fraudulent imitation of a good article of food?—Yes.

3965. Under those circumstances you have found it your duty, have you not, to institute prosecutions?—Yes, we have had a considerable number in the last twelve months.

Chairman—continued.

3966. And quantities of this article have been condemned?—Yes, large quantities.

3967. Can you tell us the number of prosecutions?—Eleven, I think; in all of which there were convictions.

3968. Eleven informations?—Yes, 11 informations, and convictions in each case.

3969. Convictions in nine cases, I think you say in your proof?—Yes; but the other two cases went back to the importer, and he was convicted.

3970. Did those cases occur in Liverpool?—Yes, they all occurred in Liverpool; they are simply local.

3971. And was the stuff condemned?—No, I do not know what did become of it. I think the dealers were simply fined for selling it, and they did not sell any more.

3972. In other cases was it condemned as an unfit article of food?—Yes, in many cases.

3973. That is to say, it was condemned by the public authorities?—Yes, by the public inspector.

3974. What becomes of it when it is condemned?—It is sent up to the public furnace and destroyed.

3975. Or buried?—Yes.

3976. It is made up, as you say, in such a form that it would deceive any one except an expert?—Yes.

3977. So that it looks like the best cheese?—Exactly.

3978. And may be sold for best cheese as a substitute?—Yes, from its appearance.

3979. The sale of this article is, in your opinion, not only injurious to the public, from the food point of view, but is injurious to an honest industry, namely, that of cheese-making?—I have no doubt of that.

3980. In this country and in others?—Yes.

3981. And on that account have other countries taken steps to prevent it?—Yes.

3982. For instance, in the various States of America have steps been taken?—Yes, I think Mr. Webb gave you the information with regard to all the States except the State of Wisconsin; and my association addressed this letter to the Governor, Senate, and Assembly of the State of Wisconsin on the 1st of March. May I read it?

3983. Certainly. "We, the Liverpool Provision Trade Association, beg most respectfully to call your attention to the very serious, and, we fear, permanent injury which is being done to the trade here in Wisconsin cheese by the large arrivals from your State of 'filled' or spurious cheese made from skim-milk mixed with lard, beef-fat, and other greases. So serious has this matter become that we do not hesitate to say that unless

Chairman—continued.

unless immediate steps are taken to prohibit the manufacture and shipment of these goods, that it will be quite impossible to sell Wisconsin cheese in this country, owing to the great loss of prestige and the suspicion entertained against them by all honest dealers, many of whom have been prosecuted and convicted for selling what they bought as genuine Wisconsin cheese, but which upon analysis by the authorities were found to be not cheese at all, but a compound as above stated. Furthermore, we very much regret to say there are a large number of unscrupulous dealers here who are continuously forcing this product upon the public as genuine cheese, the profits being so large that they are content to run the risk of being fined from time to time by the authorities. We therefore most respectfully appeal to you to at once put a stop to this nefarious and dishonourable trade by making such laws as will stop the manufacture of these goods, and by so doing remove the very great stain and suspicion attached to all cheese at present coming from your State." I was informed just before I left the town that a cable had been received saying that Wisconsin had just prohibited the manufacture and sale of this cheese.

3984. Then you would wish it to be prohibited in this country also, I understand?—That is the wish of my association.

3985. Is it manufactured in Scotland?—Yes, it was to a large extent; but not quite so much this year as in the two or three previous years, I think.

3986. And that manufacture you think is detrimental to the public?—Yes, I think so.

3987. Not to any particular industrial trade solely, but also to the public interest?—To the public interest. I think the manufacture has been smaller this year, because the price of cheese has been so much lower than previously.

3988. The tendency, perhaps, of cheese to become lower makes its competition less serious, you think?—Yes, because they have not the same profit on it.

3989. And is it a trade that is mainly encouraged by the enormous profits that can be made out of it at times when food is dear?—Yes.

3990. Have you heard of any instances in which there has been a difficulty in disposing of it by retailers?—I do not know except in those cases where there have been the prosecutions. The cheese has been put on the counter and sold, I think, in the general way. The public have been allowed to choose for themselves.

3991. Does not it go bad in the hands of some importers or retailers?—Yes, it does go bad in the hands of the importers and retailers, if it is exposed.

3992. Is not that a protection for the public?—It is to a certain extent; but no man will buy more than he thinks he can dispose of; and he gets them away as rapidly as he can.

3993. In order to check this matter you have raised a fund in your city, I think, for the purpose of prosecuting people dealing in this article?—Yes.

3994. Do you think that that has had much influence?—Yes, I think it has had a very great influence.

Chairman—continued.

3995. Do you think you are able to protect yourselves and the public in that way?—Yes, to a certain extent.

3996. And would you recommend that example to other localities?—Yes, if they could not get anything more stringent.

3997. What more stringent protection would you wish to have?—A law to prevent its manufacture.

3998. Simply a law to prevent its manufacture in this country and its importation from abroad?—Yes.

3999. Is there anything else you would wish to say?—I think there is another point that I did not get into my memorandum. There are a great many cheese coming from Chicago now which have written on the foot of the invoices "We guarantee these cheese pure." A friend of mine had 1,500 of them last week, but he did not like the look of them, although this mark was on the invoice, and he sent to get a sample analysed of each lot. I have got the analyses here. One lot had 25 per cent. of butter fat in it and 74 per cent. of foreign fat. The other three lots got 4 or 5 per cent. of butter fat and 95 or 96 per cent. of foreign fat.

4000. Those are all filled cheese then?—Yes, and guaranteed pure on the invoice. Then again the 10 per cent. of fat is only a percentage of the percentage of fat in the curd, because it takes a very small amount of foreign fat to mix with the curd to make it look like full cream cheese. There was not time to get the whole of the cheese analysed, so they had the fat taken out and analysed to get the particulars.

4001. And that analysis in your opinion, as an expert in cheese, is conclusive as to these cheese being filled cheese?—Yes, I had seen the cheese and thought they were filled, although there was this warranty with them.

4002. Is it at all a common practice to send the cheese over in that form?—We presume it is because a great many shipments come from the same city with these invoices, and the advance on these cheese will be quite twice as much as the proper price. The man who made the advance probably never saw them; but taking the guarantee on the bottom of the invoice from the consignor he has advanced the money on them.

Mr. *Kearley.*

4003. Do you mind explaining for the benefit of the Committee who, I am afraid, are not so *au fait* as you are with the matter, what you mean by an advance?—An advance is a sum of money which is given to the shipper of these cheese, who is presumably the owner. He hands the invoice of a certain number of boxes and weight to a commission merchant; he invoices them at so much per pound, and asks for an advance equal probably not to the full amount but something near it; and in order to get the money he puts on the foot of the invoice: "We guarantee these pure cheese." So he gets the money, and we get the cheese here, and examine them, and do not think they are pure, and send them to an analyst, and this is the result.

4004. He may get a two-thirds advance on the reputable value; that is to say, assuming the

Mr. *Kearley*—continued.

cheese to be worth 60*s.* a cwt. here, the shipper would draw two-thirds?—Yes.

4005. That is to say he would get a cheque for two-thirds?—Yes.

4006. Consequently he is in possession of the money, and the unfortunate receiver on this side is in possession of the fraudulent cheese?—Yes; this friend of mine yesterday cabled to get the advance back. Well, it is an easy thing to cable to get the advance back, but it is a more difficult thing to accomplish it.

4007. But it is the practice of these shippers, is it not, to declare these cheese pure in advance?—Yes.

4008. Have you had experience of these men consigning the goods without permission, simply writing: "I have shipped you so many cheese; you will find them perfectly pure"?—Yes; we had a case in Liverpool last month. A man had 500 consigned to him the week before last, and sold a portion as pure cheese. The cheese were traced through the fund that I have told you about, I think, and the man was fined 3*l.* and costs for selling adulterated foods when he had been assured in his correspondence that they were pure, or he would not have sold them. Of course the profits being so enormous they do not mind paying 3*l.* or 4*l.*

4009. With regard to cheese other than we have been referring to, Australian and English, there is very little adulteration going on, if any, in them, is there not?—I should say that there was none in Australian, and practically none in English.

4010. The manufacture of these filled cheese in Scotland was an open manufacture, was it not?—Yes.

4011. But now you advocate the prohibition of even exposing, or dealing, in these cheese as filled cheese?—Exactly.

4012. You would not allow a retailer to sell the cheese even though he declared it was filled cheese?—Exactly.

4013. With regard to these prosecutions which have been instituted at Liverpool, should I be correct in assuming that it required the action of a private association before you could set the law in motion?—Yes.

4014. That is to say that the public authorities did not set the law in motion?—They declined to undertake it.

4015. Do you suggest that there was any undue apathy on the part of the public authorities?—I do not know that I could say that there was. The association had several times tried to get into communication with the authorities, and the matter had lapsed; and then a few of the members, who were really hurt by this trade in filled cheese, took the matter up privately and subscribed various amounts amongst themselves to conduct these prosecutions.

4016. Prior to those prosecutions, had you any

Mr. *Kearley*—continued.

experience of magistrates declining to convict because there was no definition of what constituted cheese?—No.

4017. You think the magistrates were in the habit of convicting where it was a question of filled cheese?—Yes; I think if there had been cases before them they would have convicted.

4018. Probably you have heard of prosecutions as against skimmed cheese?—I do not know that I have; I do not remember any.

4019. Do you agree with Mr. Webb that skimmed cheese should be admitted as cheese in the event of a legal definition being set up?—Yes, I think they are cheese.

4020. You think it is a genuine article, so far as it goes?—Yes.

4021. And that the public are able to protect themselves by discriminating between the qualities?—Yes, I think so.

Mr. *Kilbride.*

4022. I think you told us that, owing to the action of your society in Liverpool, you have done a great deal to prevent this fraudulent trade?—Yes, we have had several prosecutions, I think 11 last year, and that has considerably influenced the handling of the trade by our larger jobbing firms in Liverpool, who used to sell it, not knowing, probably, that it was filled cheese at the time.

4023. Have you applied to any Government bodies for assistance in this matter?—No, I think not; I think that has been done almost altogether in London.

4024. Do you think that some Government Department ought to take this matter up, and not leave it to local bodies to prevent these frauds?—Yes.

4025. What Government Department would you suggest?—That is a question which I could scarcely answer.

4026. Is cheese ever adulterated with an excess of water?—There are cheeses that are made by misadvertence that have too much whey left in them, but nobody would leave an excess of water because it is deleterious at once; it would destroy the character of the cheese.

4027. Then if that particular cheese which you are speaking of that is destroyed, practically, by an excess of water were analysed, should you hold that a magistrate would be justified in convicting the manufacturer for adulteration?—Certainly not, if it were only water; if there was no foreign matter put into it. It is a very easy thing for a little whey to be left in the cheese, which is the water; there is no actual water put in the cheese.

4028. You would not hold that to be adulteration?—Certainly not.

4029. And you think that a magistrate would not, therefore, be justified in convicting under those circumstances?—Certainly not.

Wednesday, 1st May 1895.

MEMBERS PRESENT;

Mr. Colman.	Mr. Herbert Gardner.
Sir Walter Foster.	Mr. Kilbride.
Mr. Frederick Frye.	Mr. Newdigate.

SIR WALTER FOSTER IN THE CHAIR.

Mr. WILLIAM GEORGE WATSON, called in; and Examined.

Chairman.

4030. YOU are a member of a firm trading as the Maypole Dairy Company, are you not?—Yes.

4031. And you have a large number of retail shops, I think?—Yes, about 60.

4032. Where are those situated?—They are scattered throughout the North of England, Scotland, Ireland, and the Midlands.

4033. What do you sell in the shops?—Nearly exclusively butter and margarine; 90 per cent. of the takings are for butter and margarine; more than 90 per cent., in fact.

4034. You have also manufactories, have you not?—Yes, we have eight creameries in Ireland, and one in England, where we manufacture butter from milk brought in by the farmers.

4035. Have you any manufactories or other offices abroad?—We have buying offices and warehouses; one in Denmark and two in Sweden.

4036. For what purpose?—For buying Danish and Swedish butter.

4037. Which you import?—Yes, which we import.

4038. And sell?—And sell in our various retail branches; we also sell some wholesale.

4039. Have you anything to say about the Margarine Act, and its bearing on the retail trade?—Yes. I think it is wrong that people should be prosecuted under the Sale of Food and Drugs Act when they supply margarine properly labelled. When we engage our assistants in our branches we make them sign an undertaking, which contains these words:—"I hereby undertake to respect and observe the rules and regulations from time to time prescribed by you for the management and conduct thereof, and in particular in the exposing for sale and retailing margarine to observe all the requirements and provisions of the Margarine Act 1887, and to indemnify you from and against all claims, damages, costs, penalties, fines, and losses whatsoever occasioned by any neglect or irregularity whatsoever on my part in, or relating to, the exposing for sale and retailing margarine as aforesaid. And I admit you have provided me with a copy of the said Act, and that I thoroughly understand its requirements." We also print the

Chairman—continued.

Margarine Act on the back of that form of agreement (*handing in the same.*)

4040. You print the Margarine Act on the back of that declaration?—Yes. We also supply our assistants with properly printed parchment paper, and also sometimes put margarine in these labelled boxes (*producing a box*); but notwithstanding that we have done all this, which we thought was everything we could have done, we were prosecuted at Dublin, and I think also at Aberdeen, and also fined, because our assistants supplied margarine in one of these boxes.

4041. Did the inspector ask for butter?—The inspector said that he did; but the assistant said that he did not. When the case was tried, we produced in Court this agreement form signed by the assistant who served the inspector, showing that he had been told not to sell margarine when butter was asked for. But in the purchase of butter, I should say that 90 per cent. of the purchasers that go into our shops, where they ask for anything, ask for a pound of fivepenny, a pound of sixpenny, a pound of sevenpenny, a pound of eightpenny. Perhaps 8 per cent. of the purchasers would ask for butter, "a pound of butter at *5d.*," and the remainder, I think not more than 2 per cent. out of the total number of customers that go into our shops, ask for margarine. They seem to avoid the word margarine, notwithstanding that they know perfectly well that it is margarine that they are buying. In fact, in our shops 90 per cent. of the margarine that we have sold (and I suppose that we are the largest retailers of margarine in Great Britain) is retailed at *5d.* per pound.

4042. And it is asked for as "Fivepenny"?—Yes, "A pound of fivepenny." I cannot get any exact figures, but I should say that 90 per cent. of the customers ask for fivepenny, 8 per cent. ask for butter, and only 2 per cent. say the word margarine when they ask for a pound or half-a-pound of fivepenny.

4043. Do you consider that in order, in the first place, to protect the public, and, secondarily, to protect yourselves, your assistants ought to state verbally what they are supplying to the

Chairman—continued.

customers at the time of purchase?—No; I think in these days of board schools it should be sufficient if it is marked distinctly; but I would suggest that the paper in which the margarine is wrapped should only have printed on it the word "Margarine" in large letters, even larger than quarter-inch letters. Then, I think, the retailer should be allowed, after wrapping the margarine in this paper, to put some brown paper round it all, because the customer does not like to take it through the streets and let everybody see that he had margarine in his hands. Some magistrates, in a case that we have been connected with, have said: "You put that brown paper round to hide this 'margarine.'"

4044. Then you think you ought to be allowed to cover over the label "margarine"?—Yes; because they always want brown paper round it. Even customers that buy butter in our shops do not like it to be seen. If they carry butter home, or cheese, they like a piece of perfectly plain brown paper placed round the parcel outside.

4045. It was suggested to us by a witness the other day that margarine should be wrapped in unstamped paper first of all, and the stamped paper put outside. You do not agree with that?—No, I do not agree with that. I heard a witness yesterday say that. We ourselves have often had customers ask us to take the paper off; but we do not do it. I believe some women deceive their husbands, in fact.

4046. Do you think that if assistants do not carry out such regulations as are laid down for them, they ought to be made open to conviction as well as the principals?—Yes, I do. I think it is rather unfair that the principal's name should appear as being fined. It goes all through the country. In the case of our company we have shops in 40 or 50 different towns, and it is said that the Maypole Dairy has been fined for selling margarine as butter, while we maintain that we did everything we possibly could to insure that there should be no fraud in our shops.

4047. And that provision is made in the Margarine Act, and not in the Sale of Food and Drugs Act, is it not?—Yes, and consequently proceedings are taken under the Sale of Food and Drugs Act.

4048. Do you think that the present Margarine Act, if it were well administered, is sufficient to prevent fraud?—I do, if it is rigorously and efficiently administered.

4049. Does it require amendment in any particular, do you think, in order to protect the public or the trade?—Yes, in those respects that I have mentioned. I would have only the word "margarine" printed, because I have seen papers issued by firms where they talk about "Fresh dairy butter" on the margarine papers; and consequently the probability is that the title "Fresh dairy butter" is even more prominent than the word "Margarine."

4050. Then you would have only on the wrapper the word "Margarine," and no other literature whatever?—Nothing whatever.

4051. Then would you also have some more accurate method of investigation through travelling inspectors?—I would; and I would have a central place, either in London or in each particular district or county, where any one trader, or anyone could complain; and then I would have someone sent to the party who is complained of to buy a sample, and see if he is selling margarine for butter.

4052. Would you rather have that done by a central authority than have it left solely in the hands of the local authorities?—Yes, I would.

4053. And you would like it done on the representation of any individual?—Yes, I would like that done on the representation of any individual who might deposit a nominal amount towards cost of analysis. I would prefer that people should not have to deposit anything, but fear it would be necessary to make deposit obligatory to stop frivolous complaints.

4054. Do you think that in that case the honest traders would endeavour to prevent dishonest traders from carrying on malpractices?—I am quite sure that would be so.

4055. You think that that would be the effect of such a central body of reference as you have described?—Yes, I think so.

4056. With those additions to the methods of administering the Act, would you have any objection to letting the colour of margarine remain as it is?—No, I think it should be allowed to remain as it is. We have some towns where we have to sell a very white butter, because they will not buy a high coloured butter; and it seems to me an injustice that buyers of margarine should not have margarine coloured as they like it, when you allow buyers of butter to have it coloured as they like it.

4057. You only wish, I think, to give the trade full permission to colour margarine to suit the public taste?—Yes.

4058. And you would not have it coloured with anything of a specially distinctive character?—No.

4059. Do you think that the packages require altering?—Margarine seems to be packed in all kinds of packages. I think there would be no objection to its being packed in boxes. I do not think much butter is packed in boxes. For the last three or four years we have had our margarine packed in oblong boxes, quite different in shape from butter packages; and I do not think there would be any objection to doing away with all baskets.

4060. You would have a special receptacle for margarine?—Yes, 112 lbs., 56 lbs., 28 lbs., 14 lbs., and if necessary, 7 lbs.; but not less than 7 lbs.

4061. And all of a particular shape, branded in such a way that the brand could not be removed?—Yes, branded on the wood. I would not advise to have small lb. packages. I think that proposal has been made. We tried it in connection with using these boxes, and we found that the loss in weight, and the expense of putting it up in these small packages, besides the deterioration in quality, (because of the air getting to a larger surface) was against it.

4062. Would you have margarine sold in a different part of the shop to butter?—No, I do

not

Chairman—continued.

not think so, it might be sold from a distinct stand. We always sell our margarine in the large shops on one side and butter on the other side. In what we call the double-fronted shops with counters on both sides, we sell margarine on one side and butter on the other side; and in those shops where we have single-fronted shops, we sell from a distinct marble stand. I have some photographs here that were taken about 1893, I think, showing those marble stands; and on them it says, "Margarine only sold from this stand," in very large letters; it is really carved out of the marble in most cases. And the butter of course is sold from another stand (*handing in some photographs*).

4063. Do you use any mixing machines in those shops?—We used to mix it at a warehouse, but we gave that up

4064. Do you do any mixing in the shops now?—No, we never did do any mixing in the shops; but we did do it in a warehouse, but we left that off about six months ago.

4065. Why did you leave it off?—At first we thought that the margarine manufacturers were getting more profit out of the mixtures, so we thought we would put down this little plant, and see if we could make mixtures cheaper; but when we added the cost of the rent of this place and the expense, we found that the margarine cost us just as much; we could buy as good a margarine ready mixed as cheaply as we could get it by mixing it ourselves, so we gave it up.

4066. As regards the separate counter in your shop, labelled "Margarine only sold on this side," or whatever it is, do you not think that has much the same effect on the public as a packet marked outside "Margarine"?—Yes, undoubtedly it has.

4067. And that it deters them from going to that counter?—Yes. Really some people hardly like that. There is a great amount of pride among customers. I know that in some country districts people do not like to be seen standing by the counter or particular marble block from which margarine is sold.

4068. How do you get over that difficulty?—They simply have to go there if they want it. I do not know whether the assistants have volunteered to fetch it for them; it has not come to my personal knowledge that they have.

4069. Then, if a person goes and asks for a pound of five-penny at the butter counter, what would you do?—We should say, "Higher up," or "On the opposite side."

4070. You turn them over to the side where the margarine is sold?—Yes.

4071. Have you anything to tell us about water in the butter that you obtain from any source whatever?—Yes. We own creameries in Ireland, and during the very hot weather in 1893, when the weather was excessively hot, we asked our analyst, who usually is employed in testing the milk brought in by the farmers, to analyse some of the butter and report to us how much water there was in it. He reported that the butter from one of our creameries contained 22 per cent. of water. We wrote back at once to the creamery to say that we were very much surprised, and told them that they must alter it. They tried again, but still there was the same percentage, or very near it. Then we investigated it further, and they said they were short of water, the well had run practically dry, and they could not get as large a supply of cold water as they could wish for. So we had to keep on making this butter; but as soon as we could we got a firm of artesian well-borers over from Manchester to go deeper with the well; they had gone as deep as they could by hand, as deep as we could get anybody in a country district in Ireland to take it; and at a cost of 300*l.* or 400*l.* we got an abundant supply there. We also put down a refrigerator or ice-making machine; and, of course, we were then able to make ice-cold water.

4072. And since you have been enabled to get a free supply of fresh cold water and use your refrigerator, have you had the same percentage of water in your butter?—No, we have not.

4073. What is now the average percentage of water in your butter from Ireland?—I think it is about 16 per cent.

4074. And do you bring over much butter from Ireland?—Yes, we make, I suppose, 15 or 20 tons a week, in the height of the season.

4075. Do you salt any of this butter?—We salt part of it; but the greater part we sell as fresh butter.

4076. And as to the proportion that you salt, do you do that with hot brine, or with dry salt?—We do it all with dry salt.

4077. And you find that sufficient?—That is sufficient. Ours is creamery butter. It is chiefly butter that is made by the farmers themselves, I think, that is salted with the hot brine. That is a different class of butter. That is made in their own homes. Ours is made in factories.

4078. Do you think that these Irish creamery butters that are manufactured contain, usually, more water than Danish butter?—Yes, I do.

4079. Can you give any reason for that?—I attribute that to the fact that in Denmark they have very cold winters, and then the dairies there always store a lot of ice which they use in the hot weather in the manufacture of butter; consequently they have a very abundant supply of very cold water, and that enables them to get the butter-milk and water out of the butter better than is possible in Ireland, where really ice is at a prohibitive figure.

4080. Has your firm been prosecuted under any of these Acts for any adulteration of butter?—Yes; we have been prosecuted under the Sale of Food and Drugs Act; we have been prosecuted also under the Margarine Act; but we have never been convicted under the Margarine Act, to my knowledge.

4081. You have been convicted under the Sale of Food and Drugs Act?—We were convicted under the Sale of Food and Drugs Act.

4082. For what?—For selling in these boxes. Of course the assistants said that the inspector did not ask for butter; but the inspector said he asked for butter, and was supplied with a pound in a box like this. I do not remember any other case where we were ever prosecuted and fined, where it was packed in parchment and branded;

Chairman—continued.

branded; but it is just possible that there may have been a case, though I cannot remember it.

4083. Do you have many inspectors call upon you at your shops?—As a rule, when we first open a branch in a town we are tested frequently for a time. I do not know whether they then find out that we do the trade honestly and satisfactorily, but then we do not get any visits.

4084. Is that due to friendly relations being established between you and the inspectors?—No; we do not come in touch at all. I do not know, in fact, a single inspector anywhere; I do not know that our managers and men do; they may do.

4085. You have reason to think, from your experience, that the inspectors do their work honestly?—Yes, I think so; I never heard of a case where they did not, except that when they give evidence, I do not know whether they may be telling the truth or our assistants. I know the magistrates, as a rule, believe the inspectors.

4086. You do not think that these inspectors are, as a rule, open to any corrupt influences in the discharge of their duty?—Certainly not. [It is the practice of the inspectors to take samples of butter without paying for same in some towns. They have in several cases taken as much as much as 2 lbs. at a time from different branches of ours. Either the amount taken should be specifically limited, or else inspectors should be required to pay cost when purchasing samples, butter or margarine.]

Mr. *Colman.*

4087. Has it not been proposed by some people that margarine should be always sold in blocks of pounds and half-pounds, marked?—Yes; that has been proposed, and we have done it previous to our hearing of the proposal. We did that rather extensively for a time, but we found that we had to give it up because of the extra expense. We found that we could not compete with our neighbours if we continued to do so.

4088. Then that style of package, of course, adds considerably to the expense?—Yes, that package adds to the expense; but also besides the package there is the weighing it up in pounds. If you weigh margarine in pounds you have to put a little over-weight with each pound, because from the time it is weighed to the time the customer gets it it is apt to lose in weight, and if you deliver a pound which is not full weight when it is delivered to the customer, you will be committing an offence against the Weights and Measures Act.

4089. What is about the extra percentage of expense in putting it in these boxes?—I should say fully 7*l.* per ton, or 7*s.* per cwt., that is $\frac{3}{4}d.$ per pound, reckoning for over-weight and labour and the cost of the cardboard boxes in that case.

4090. Do you think that your remark about the integrity of inspectors would be endorsed by the dealers generally in your district?—Yes, I have come a good deal in contact with dealers, in the district of Manchester in particular, and I never heard any one mention anything against any inspector, and I think they would have done so if there had been any ground for it,

Mr. *Colman*—continued.

because they sometimes feel rather raw when they are prosecuted under the Sale of Food and Drugs Act.

4091. You said something about your being prosecuted by an inspector, and there being, I think, a little dispute between himself and the shopman, as to whether he had asked for butter?—Yes.

4092. Would he have the margarine packed in one of these cardboard boxes?—He had it in a package of that sort, it was served to him in a package of that sort; and the probability is that it would be wrapped in plain brown-paper outside the package. The inspector admitted that he had it in a similar package.

4093. And yet you were prosecuted?—Yes, and fined.

4094. Was that recently?—I should say about 18 months or two years ago, in two instances.

4095. Do you think that that is considered to be the law at the present time?—We do.

4096. Notwithstanding that you put a wrapper outside, saying that it is fresh margarine?—Yes. There are some towns where I believe they are satisfied when it is labelled either on the box or on the parchment-paper that it is wrapped in; but in other towns I believe they still hold that it is necessary that you should give a verbal declaration.

4097. But you yourself say that this label should be sufficient?—Yes.

4098. Are mixtures of butter and margarine much sold in your district?—Not at the present time, when butter is so cheap. In the winter time, when butter was dearer, a year or so ago, there were a good many mixtures sold, but there are not many now.

4099. Do you deal much in butter?—We deal very heavily in butter.

4100. Mostly in butter, or mostly in margarine?—Mostly in butter in the summer, but a little more in margarine than in butter in the winter time. I do not know that we have done so last winter, but in previous winters we have.

4101. Have the prices of margarine and butter fallen considerably?—Yes, enormously.

4102. What do you attribute that to, chiefly?—I attribute it chiefly to the excessive supplies of butter, more especially from the Colonies. That butter comes in in the winter time in enormous quantities; it has increased during the last four years, nearly doubled itself practically every year, I think; and that butter is sold in the winter. Years ago the trade would often get their winter supply from Ireland; they would buy it in the summer, and it would be heavily salted and kept till winter, and then the people would buy it in the winter. That enabled the butter made by the Irish farmers to fetch a good price.

4103. Then you think that the fall in the price is more owing to the increased production of butter than to the manufacture of margarine?—Yes, I think the sale of margarine has decreased. Our sale has decreased.

4104. Has there been any discussion in your district among sellers as to the question of imprisonment?—It has not been discussed to my knowledge. I am against imprisonment, because I think we should run the risk, if our assistants

were

Mr. *Colman*—continued.

were to disobey the Act in spite of our express instructions, of having to go to prison; and then there would be a dispute as to which member of our firm of three brothers should go to prison; and then I suppose we should have to go to the Limited Liability Act and have someone to go to prison for us.

4105. And I suppose your assistants would not be so willing to sign that document, in that case?—That is so.

4106. Do you think such proceedings should come under the special legislation for margarine, or that they should come under the Sale of Food and Drugs Act?—I think under the special legislation.

4107. And you have no objection to special legislation that it should be sold from different counters?—I do not think different counters would be practicable in all shops, because some shops are very small, and they could hardly have two counters in them. It might be sold from a place that is marked very distinctly; but I do not think that that would be practicable in the very small shops.

4108. Do you think that mixtures of butter and margarine are superior to common butter at about the same price?—Yes, undoubtedly; I consider that pure margarine is far superior to common butter.

4109. Are you often visited by the inspectors?—We are when we first open in a town, but afterwards we are not very frequently visited—rather seldom, in fact.

4110. They know, I suppose, that so far as you can you comply with the Act?—We presume so.

Mr. *Newdigate.*

4111. Did you say that you retail 90 per cent. of what margarine you sell at 5*d.* a pound?—Ninety per cent. of the margarine that we sell. That does not include the butter that we sell.

4112. And you sell it off a separate counter?—We sell it from a separate counter where we have two; otherwise at a separate stand similar to the photograph, in those shops where we have not two counters.

4113. Have you got two counters in most of your shops?—Yes, I think in the generality we have.

4114. Then you said that people did not like going up to the counter labelled "margarine"?—Yes, the counter or the marble stand in the absence of two counters. They do not like to go and stand opposite either the margarine counter or the margarine marble stand.

4115. How are they able to buy it at all, then?—They do go up to it, but my managers in the country districts have often said they are averse to it. If they are buying butter, and they see some friend come in, they will not purchase the margarine then; they will go out then and come in again in a quarter of an hour when the friend is gone, and buy the margarine. It is only in two cases I was told of that; it may have occurred many times; in fact, I have reason to believe that it does.

4116. Then do you think that if two counters were made compulsory it would go against the sale of margarine in the country?—No, I do not think making two counters compulsory would go against the sale. I think that the more margarine is shown, and the more people know of it, the better they will like it.

4117. You think that in time, when people know more about it, they will not mind going up to a counter to buy it?—No doubt.

Mr. *Herbert Gardner.*

4118. Do you think that the effect of having two counters, or prominently bringing into public notice that the article you are selling is margarine, would eventually end in the public appreciating margarine more than they do at the present moment?—Yes, I do.

4119. I want to ask you one question about butter; you said that your butter that you get from Ireland has a greater percentage of water in it than the Danish butter, did you not, as a rule?—I believe so. I do not often have our Danish butter analysed; but judging from the general texture of it, the creamery butter we make is not so solid as the Danish butter.

4120. What I wanted to ask you was: Does butter with a greater percentage of water keep better than butter with a less percentage of water, or is it *vice versâ*?—I should say that the more water and butter-milk that you wash out the longer it will keep.

Mr. *Frye.*

4121. I suppose there are other firms using these boxes?—I do know of one or two other firms that have used them in a small way.

4122. Then the cost of 7*l.* a ton on margarine you sell at 5*d.* a pound would be a very serious loss to you and the public too, would it not?—That is so.

4123. Of course, if margarine is sold only in those packages it would be a serious thing for the public?—Yes. For that reason, when we sold it in these packages, we did not put in our sixpenny and fivepenny qualities, because the profit is so small that we could not have stood the loss.

4124. You think, then, that it is a hardship on traders, there being a special Act as regards margarine, that they should be summoned under the Sale of Food and Drugs Act?—An undoubted hardship.

4125. And it is a hardship on the proprietor, whoever it is?—Yes, the owner of the shop.

4126. I think you told us that your lowest price, or your principal price, for margarine was 5*d.*?—That is so.

4127. I suppose no real butter can be sold at that price now?—Not that I know of. We have sometimes had a mistake in the churning, and had to sell it to confectioners perhaps at 6*d.* a pound; but that would be quite unsaleable in the ordinary way.

4128. Then the public would not be deceived really if it was sold as butter at that very low price?—Quite so; but I should not be surprised if, in a short time, there is butter to be sold at 5*d.*, but it will be very inferior. I believe that inferior makes of butter will have to be sold cheaper than they have been previously.

4129. Would the public very much prefer

Mr. *Frye*—continued.

good margarine at 5*d.* a pound to bad butter, say, at 1*s.*?—Yes, undoubtedly.

4130. Then, as regards this question of separate counters, of course it may not be a great hardship on you with your large shops; but do you not think that it would be a great hardship on a small country grocer?—It would be a great hardship; in fact, it would be impracticable in what you may call hucksters' shops.

4131. That is to say, they would have to give up the sale altogether?—Yes.

4132. Then about the packages; what is your objection to the various packages such as are used now for margarine?—I do not know that these various packages are conducive to fraud; in fact, I do not know of any cases of fraud really, of my own knowledge.

4133. These packages do not go to the public; they simply go to the trader, who knows his own business, I presume?—Yes.

4134. Therefore, the public would not be deceived at all, would they?—No, the public would not be deceived, certainly.

4135. What is your objection, then, to altering the packages?—Simply because I think they are made a loophole, a handle, by opposers of margarine, who give them as a proof that margarine is extensively sold as butter. That is my chief objection.

4136. And you think that as the public do not like the word "margarine" many traders have kept it back; they have not made it popular?—Yes; and then now and again, through the Press, through different American papers; in chief, I have noticed there are entirely false reports about margarine, about its being made from all sorts of rubbish.

4137. Do you sell cheese?—No, we do not sell cheese.

Mr. *Kilbride.*

4138. Are you here as the representative of the Manchester Margarine Defence Association?—I thought I represented myself chiefly, but it seems that they do consider me as a representative; but I did not know, till I got to London, that they did so.

4139. How long has that body been in existence?—I could not say, really.

4140. Have they got an office in Manchester?—They have got a secretary. I do not know whether they have an office.

4141. They have a secretary, then, and no office; is that it?—Very possibly they may have an office, but I do not know of it.

4142. Then it would be hardly correct to say that you are here to represent the Manchester Margarine Defence Association?—No; I am more primarily here for myself, or rather for my firm.

4143. You told us that you have 60 retail shops in Great Britain and Ireland?—Yes.

4144. And you have been prosecuted in Dublin and Aberdeen?—In Dublin, and I believe in Aberdeen. I know it has been in two places.

4145. And only in two places?—We have been prosecuted in others, but in only two places that I know of we have had a conviction against us.

Mr. *Kilbride*—continued.

4146. The prosecutions in Dublin and Aberdeen resulted in convictions?—Yes.

4147. What were you prosecuted for in Dublin?—For selling margarine in one of those boxes, when, as the inspector said, he asked for butter.

4148. Was it for the same thing that you were prosecuted in Aberdeen?—Yes, that is so. We have frequently been prosecuted for supplying it in parchment paper marked "Margarine," but not in those particular boxes.

4149. I think you told us that more than 90 per cent. of the margarine that you sold was sold at 5*d.* a lb.?—Yes.

4150. And that with regard to that 90 per cent., when a customer came into your shop he did not ask for margarine, he did not ask your assistant to serve him with margarine?—He asked, as a rule, for fivepenny, in about 90 per cent. of the cases; in 8 per cent. he would ask for butter, and in 2 per cent. for margarine. It is very seldom that they mention the word "margarine"; they call it fivepenny.

4151. Does that go to show that margarine is not at all popular with the people as a food?—No, I do not think it does; because when we are selling butter at 1*s.* a pound, it is very seldom, even then, that they mention the word "butter," when it is a pure butter. Now, we sell Danish butter at 10*d.*, and they ask for tenpenny.

4152. What are you selling Irish creamery butter for at the present moment?—What we put in casks we sell also at 10*d.*, what we make into tub butter; but what we sell as fresh we sell at 11*d.*

4153. You are getting the same price for Irish creamery butter as for Danish?—Yes.

4154. The public, I suppose, consider your Irish creamery butter is as good as Danish?—Yes, we consider it is as good as Danish, what we make ourselves.

4155. You told us that the Irish creamery butter that you made contained about 15 per cent. of water?—Yes, 15 or 16 per cent.

4156. But that in 1893, when it was a very warm year, you found it almost impossible to make it with so low a percentage?—We found it quite impossible at a place where we were short of water, where our well ran partially dry and only gave half the water we wanted.

4157. Are you aware that the same difficulty arose with other butter-makers in the same year?—Yes.

4158. Do you think that temperature has anything at all to do with the quantity of water in butter?—Yes, I am sure it has; the temperature of the water. If you can get cold water it does not matter how hot the weather is, you can get the water out of butter; but if you cannot get cold water, you cannot get the water out of butter in excessively hot weather.

4159. I think you told us that the Danish farmers have a plentiful supply of ice?—Yes, and they are enabled by that means to get the water out.

4160. And it is not expensive?—No, it is very cheap; they can get it for carting.

4161. At your creameries in Ireland, if you were obliged to resort to ice, you would find it much

Mr. *Kilbride*—continued.

much more expensive than it is for the Danish farmers?—Yes, it would not pay us; ice is so expensive in Ireland.

4162. Are you in favour of allowing margarine to be coloured?—I am.

4163. I suppose when you say that you are in favour of allowing margarine to be coloured you are in favour of allowing it to be coloured like butter?—I am in favour of allowing it to be coloured as it is at present. It is coloured like butter, undoubtedly.

4164. Is not the object of colouring it like butter to make it as like butter as possible?—No, it is not.

4165. What is the object?—People, when they have been accustomed to that colour, would not care to take it a white or grey colour.

4166. Do you mean that people being accustomed to a particular colour of butter, and having their eye accustomed to a particular colour on the table, would object to use any other food product as butter which would not be of the same colour?—Yes. There are several towns where last year we sent some butter almost as white as lard, and at those towns we could not sell it; we had to take it back and send it to a town where they always bought white butter. There are towns in Lancashire where the people demand to have the butter almost as white as lard, and if we send there any highly-coloured butter the customers will not buy it, and we have to transfer it to another branch.

4167. Do you deny that the object of colouring margarine is to make it as like butter as possible? Yes, I do.

4168. If you coloured margarine any other colour than a butter colour would you be improving its sale or its value?—No, we should not.

4169. Would it be very difficult to sell margarine if it was sold in its natural colour?—It would be rather difficult. I suppose they would do as they do in Denmark. I have seen them there. The party who sells margarine supplies small capsules of colour, and the buyer gets the colour home and mixes it with the margarine. Then a poor man's friends, when he has friends, do not see his poverty; he does not have to betray the fact that he is poor.

4170. Do you do much in mixtures?—No, we have never done much in mixtures. We have never sold above 10 per cent. of the total quantity of margarine in the form of mixture, and now that butter is so cheap we do not sell 3 per cent.

4171. Do you call the mixture margarine?—Yes; we always call it margarine, and brand it margarine.

4172. You brand the mixture margarine?—Yes.

4173. A mixture is more expensive than margarine, is it not?—Yes; if you add butter to pure margarine it does somewhat add to the cost. Of course, the very best butter is always added.

4174. What is the object of selling mixture as margarine?—To comply with the law. If you do not sell mixture as margarine you get fined.

4175. Are you in favour of allowing mixtures

Mr. *Kilbride*—continued.

to be sold at all; are you in favour of mixtures?—Yes, I am.

4176. Is it not the fact that there is a great deal of fraud committed through mixtures?—Not to my knowledge; and if the plan that I suggest were adopted, about having a central place where people could make complaints, I am sure that competing grocers would see that their competitors did not commit fraud on the customers, and so have unfair competition.

4177. Do you sell more butter or margarine?—We sell more butter, as a rule. Sometimes, in the winter time, we have sold most margarine, but not this last winter, because butter has been so cheap.

4178. What are the relative prices of butter and margarine?—Ninety per cent. of our margarine is sold at 5*d.*, and our butter is now being sold at 10*d.* and 11*d.* We have fresh butter at 10*d.* and 11*d.*

4179. How long is this creamery butter of yours in Ireland made to keep?—I do not think it would keep above a fortnight or three weeks. We always sell it perfectly fresh within three weeks from the time it was made.

4180. And that butter contains from 15 to 16 per cent. of water?—Yes.

4181. What percentage of water do you think would be a fair allowance for the salt butter made in Ireland by farmers, in their own dairies?—I do not think the farmers in their own dairies, if they get a hot summer, can make the butter with less than 20 to 22 per cent. of water. I do not think it would be fair to say that they should put in less than 20 to 22 per cent. of water. I do not think it is wise to make a standard, because, if you do, I think people would work up to it.

4182. When were these photographs taken?—About two or three years ago; in 1893, I think.

4183. Butter was much dearer then, was it not, than it is now?—Yes, that would be so.

4184. I see on this photograph that you were selling the best butter, guaranteed pure, at 13*d.*?—Yes, at that time.

4185. Margarine at that time was 10*d.*?—No; then we were selling the bulk of our margarine at 6*d.* At that time, I suppose, we were selling about 85 per cent. of our margarine at 6*d.*

4186. Has margarine been reduced as much in price as butter?—No.

Mr. *Herbert Gardner.*

4187. I will just ask you one question before you go. I think I understood you to say that in some towns the purchasers prefer butter to be of a white colour?—Yes, they do.

4188. In those towns do you sell margarine of the same colour; do you colour it in those towns where the inhabitants prefer the real butter to be white?—We sell margarine, what we call a pale straw, that is, neither one extreme nor the other. That is how we have always sold it; we do not make any distinction in the colour of margarine.

4189. But you would not make any difference in the colour of margarine to the people who preferred to take the real butter white, in the

Mr. *Herbert Gardner*—continued.

towns where I understood you to say just now that the purchasers prefer the butter to be almost white?—No.

4190. In those towns you do not sell the margarine white?—No, we sell margarine very pale.

4191. You sell it of the same colour everywhere?—Yes, we sell it of the same colour everywhere.

4192. It is not coloured to suit the taste?—No, we never go to extremes, as we do in the case of butter.

4193. It is not coloured to suit the taste of the customers?—No; but our competitors in those towns would have their margarine coloured whiter; but it is convenient for us to have it made all of the same colour, because we can divide it up in the ports and save trouble at our head office.

Mr. *Herbert Gardner*—continued.

Mr. *Frye.*

4194. Butter is coloured exactly for the same reason, is it not; that is, to please the eye of the customer, and it is coloured in a different way in different places?—Yes.

4195. In Lancashire, for instance, it is coloured very much whiter than it is in the south of England?—Yes.

4196. It is coloured for exactly the same reason that margarine is coloured?—Yes.

Tuesday, 7th May 1895.

MEMBERS PRESENT:

Colonel Bagot.
Mr. Bolitho.
Mr. Colman.
Mr. Colston.
Sir Walter Foster.
Mr. Kilbride.
Mr. Lambert.
Mr. Newdigate.
Sir Mark Stewart.

SIR WALTER FOSTER, IN THE CHAIR.

Mr. HENRY TRENGROUSE, called in; and Examined.

Chairman.

4197. I THINK you are a Member of the Home and Foreign Produce Exchange, and of the London Chamber of Commerce?—Yes.

4198. And the latter body has requested you to come here to give evidence?—Yes.

4199. You have seen some of the evidence which has been placed before us, I think?—Yes.

4200. And you agree generally with the evidence of Mr. Webb and Mr. Cecil Rowson as to filled cheese?—Yes.

4201. Have you seen much of this filled cheese?—No, very little.

4202. Has it not come under your notice?—Only to a small extent.

4203. But you are aware that such an article is imported into this country, are you not?—Yes.

4204. And, also, that it is made in the northern parts of the United Kingdom?—Yes.

4205. Do you consider such an article unsuitable for commerce?—Decidedly.

4206. On what grounds do you consider it unsuitable?—On the grounds mentioned by Mr. Webb and Mr. Rowson: that after a time it gets rancid, and consequently prejudices the sale of the genuine article.

4207. Is it innutritious?—I have been told so; I am not scientific enough to say so. I should not care to eat it.

4208. And you think it is a fraud on the public?—Undoubtedly.

4209. That is to say, it is an article of commerce by which the public are defrauded of a more nutritious article, and the agricultural trade generally is injured?—Most certainly.

4210. You have declined, I believe, to accept consignments of filled or adulterated cheese?—Yes.

4211. Where have those offers come to you from?—Illinois, in the United States.

4212. Have they offered you a liberal commission to sell this article?—Yes.

4213. And have you felt, as an honest trader, that you were bound to refuse that offer?—Yes, we declined to entertain it.

Chairman—continued.

4214. Then you think that the manufacture of the article in this country ought, so far as possible, to be suppressed?—Yes.

4215. On the ground that it is a fraud?—Yes.

4216. You say that you are in favour of an appeal against the suppression?—Yes.

4217. On what ground?—On the ground that the genuine article might be stopped by way of confiscation in some instances, so that there should be right of appeal so as to protect the honest trader.

4218. You mean that a mistake might be made in condemning real cheese for this filled cheese?—Yes.

4219. And, therefore, there should be some chance of an appeal against such a condemnation?—To be sure.

4220. There is a Bill before one of the States' Legislatures, is there not, to which you would like to refer?—Yes.

4221. What is the nature of that Bill?—The main features are to stop the manufacture of this filled or adulterated cheese.

4222. And you think that a similar provision ought to exist in the law of this country?—I am strongly of that opinion.

4223. And in your opinion do the leading London importers all agree with you?—Undoubtedly, very strongly so.

4224. Is it the fact that they are against the introduction of this spurious article into the trade?—Most emphatically.

4225. Is there anything you wish to read to us on the subject?—I have here the "Grocers' Gazette" of 13th April, which contains a report of a prosecution in regard to this cheese. Although it was fairly described as "Valleyfield finest oleine cheese," it was found to contain 24 per cent. of fat, 30 per cent. of which was butter fat, and the remainder beef fat. That is not a very desirable article, I think, to sell as cheese. The magistrate thought the public were not sufficiently protected by this description, and fined the defendant 20*s.* and costs, which I understand amounted to between 4*l.* and 5*l.*, but agreed to state a case if required.

Chairman—continued.

4226. And that penalty was not sufficient, I take it, in your opinion?—I think it is very trifling, because the profits must be very considerable at times on stuff of this character.

4227. And for an offence like that would you advocate a higher penalty, and, on repeated offences, imprisonment?—I think prevention is better than cure; if the manufacture were prohibited it would be very much better than fining an unfortunate retailer. Twenty shillings to this man was probably a very heavy fine, with 4*l.* or 5*l.* costs in addition.

4228. Then you think that if the Legislature does not see its way to stop the whole of the manufacture and the importation of this article (because, remember, you have to deal with the importation, unless that is done there should be heavy penalties inflicted on those who sell it?—Undoubtedly.

4229. Would you go so far as imprisonment?—I think for a second, or possibly a third, conviction I would.

4230. Then I think we may leave that subject for the present, and I want now to ask you something about lard: You are a large importer of lard, I think?—Yes, we represent a firm claiming to be the largest importers of lard in the world.

4231. Where do you get your lard from?—Chicago chiefly.

4232. And this is American lard which is sent in pails, is it not?—Yes, as a rule.

4233. Is that American lard considered pure?—Yes.

4234. Do you think it is pure hog fat?—Yes, I quite think so.

4235. And there have been no prosecutions for a long time, you say, in connection with the adulteration of lard?—Nothing of any importance in London and district, but there have been several prosecutions throughout the country.

4236. Do you think that the lard that is sold in London is a genuine article?—Yes.

4237. And probably mostly of American manufacture?—Yes. You might allow me to read you this, which is also reported in the "Grocers' Gazette" of the last issue, 4th May, last Saturday.

4238. Certainly?—It refers to the Armour Packing Company's brand, which is packed at Kansas City, Missouri. That is not the brand that we sell, as a rule; but a grocer at Lymington was summoned "for selling 1 lb. of this lard, which was alleged to be adulterated by the addition of at least 30 per cent. of cotton-seed oil. Mr. Bell, solicitor, who appeared for the defendant, said he should prove that the lard was absolutely pure. He called the defendant, who stated that he served the lard from a bucket—one of a consignment of 25 buckets of the Armour Packing Company's white label lard, which was guaranteed absolutely pure"; in fact, it is branded on the lid "Pure." "He forwarded the portion of lard left with them by Inspector Foster to the firm's London agents. James Morrow, head of the lard department of the Armour Packing Company, Kansas City, U.S.A., stated that he had come specially from Antwerp to deal with this case, as all their white label lard was absolutely pure. He had caused the sample forwarded by Mr. Botting to be analysed by Dr. Dyer and Dr. Dupré. Subsequently he had seen Dr. Angell" (Dr. Angell was the local analyst, I suppose; but I am not sure) "and told him what had been done, and that the lard had been found perfectly pure, so that he knew his analysis was to be called in question. Mr. Gould, who prosecuted, submitted that the defence having failed to give notice, could not now contradict the County analyst's certificate. The Bench having overruled the objection, Dr. B. Dyer and Dr. Dupré confirmed the evidence as to the absolute purity of the lard. The magistrates, after consultation, came to the unanimous decision to dismiss the case." It is important for me to mention this to show how much the analysts are at fault and disagree; one says it contains 30 per cent. of cotton-seed oil, and two eminent London analysts, Dr. Dyer and Dr. Dupré, declare that it is absolutely pure, which I have no hesitation in endorsing very fully, so that the local analyst knew that his analysis was to be called in question.

4239. You believe it was pure, then?—Yes, undoubtedly. This was a direct contradiction of the County analyst's certificate, and the case was dismissed.

4240. There was a conflict of scientific testimony?—Yes. In this connection, I should like to say that I think the law as it stands at present is very harsh at times on the shopkeeper; a man who is ignorant of the law, who has not much means of knowing it, is frequently convicted and fined without his case being properly defended.

4241. How would you amend that difficulty?—That is rather difficult to say. I think the magistrates should have compassion upon a man in such a position as that. In this instance, you see, on the face of the County analyst's certificate, the man would have been undoubtedly fined if the agent for the packers of the lard had not come to the rescue; he stated that he came all the way from Antwerp to defend the man; and I had this in my mind when I mentioned just now that there should be a chance of escape with regard to cheese.

4242. That is to say, that you think a right of appeal ought to be given freely in these cases, so as to prevent unjust convictions?—Yes. It strikes me that this man has had a very narrow escape of being heavily fined, when he was absolutely innocent. Of course he had a guarantee of purity on which to fall back.

4243. Are you acquainted with any other adulterants of lard besides cotton-seed oil?—Beef fat.

4244. Which of those two articles is more commonly used for the purpose of adultering lard?—That depends upon circumstances. Formerly refined lard from the United States contained a very large percentage of cotton-seed oil; now beef stearine or fat is used to stiffen it.

4245. Is the cotton-seed oil still put in?—No, I think not.

4246. Then

Chairman—continued.

4246. Then the cotton-seed oil has been given up, you think?—Yes, with the exception of being introduced into imitation lard (lardine), that I think contains a percentage of cotton-seed oil.

4247. But in your experience the present adulteration of lard is mainly with stearine or beef fat?—Yes.

4248. Which is introduced in order to give inferior qualities of fat the consistency of good lard?—Undoubtedly; you have described it very accurately. You are aware that American lard is very soft in texture; it is of an oily texture, the hogs being fed on Indian corn, which produces very soft lard.

4249. Could not that consistency be given to lard also by treating it under pressure and getting rid of some of the oil?—Undoubtedly; it is only a question of expense.

4250. And in that way an inferior article could be made to look like the real article?—It would be very much more like Irish or English lard, which consists of the flare of the hog, the firmest portions of lard.

4251. Is the flare of the hog the fat from the interior of the animal?—Yes, the fat which surrounds the kidneys chiefly.

4252. And that, you say, makes the best lard?—Yes.

4253. Is that generally sold and sent for sale in bladders?—I think bladder lard consists chiefly of American lard put up in England. Of course there is Irish lard also put up in bladders, but only to a small extent.

4254. Will you tell us the forms in which lard appears on the market?—The packages?

4255. Yes?—The largest sale is for the American pail or bucket, as mentioned in this report here; they are synonymous terms. Then there are half barrels of the same quality containing a hundredweight, and tierces containing about three hundredweight; the tierces are chiefly converted either at Belfast or Liverpool, and there is also a manufacturer at West Hartlepool, of bladder lard.

4256. So that the bladder lard which one sees in the retail places of business is mainly made from these tierces?—I should imagine so. There is of course a certain quantity put up in Ireland and also in Denmark, but the bulk I think is made from raw American lard.

4257. What do you mean by raw lard?—As it comes from the tanks in America it is of a very soft character and will run about, especially at this time of the year, if it were not put into presses.

4258. And that raw lard is sent over here in barrels?—Tierces of about three hundredweight each.

4259. Are those barrels?—No, tierces. The half barrels, to which I have referred, have been already refined, and a portion of the oil expressed, so as to make the article merchantable.

4260. But the tierces are what?—They are known as Prime Western Steam Lard.

4261. That is to say, lard of an inferior quality?—It is of the same quality as the pails, only containing a larger proportion of oil.

4262. And therefore inferior?—No, I would not say that. It has not been manufactured; it is exactly of the same character as that in pails and half barrels.

4263. What do you mean by saying that it has not been manufactured?—Simply that the oil has not been expressed so as to make it more solid. A shopkeeper wishes to cut out a piece something like a piece of cheese, say; it is sold in lbs. and half lbs.

4264. Therefore it is inferior for the purposes of sale?—Exactly. It is merchantable; I do not like the term inferior; it is of exactly the same quality, only it is more solid, that is all.

4265. That is to say the saleable article is more solid?—Yes, undoubtedly.

4266. Of what shape are these tierces which you speak of?—In barrel form, but larger.

4267. Is the tierce a box?—No, it is like a barrel.

4268. Then what about bladder lard; that is another form of saleable lard, is it not?—Yes.

4269. That is formed by American lard being put into bladders in this country, I understand?—Yes, after the lard has been put into presses to get the oil out and to make it of a sufficiently solid character.

4270. Or it is lard sent from Ireland?—A great deal of the lard that comes from Ireland came originally from America; and most of the prosecutions have been in regard to lard put up in Belfast, and imported chiefly into the West of England; the Bristol people import very largely Belfast lard, and there have been several prosecutions there, because Belfast of course indicates Irish origin, whereas it is of American origin.

4271. Then will you tell me in what shape does the pure English lard made in England come into the market?—There is very little of it; it is chiefly in bladders, or in zinc pails. The wooden pails are an American adoption.

4272. Is there any other form of lard in the trade?—Not to any appreciable extent. Some of the Liverpool refiners—by whom I mean those who import the American lard and put it into smaller packages, after the pressure to get the oil out—have put some up in packets; but I do not think that there has been any appreciable sale for that. I refer to pound packages, *à la* pounds of tea, I suppose; but I am not aware that there is any trade worth speaking of in that form.

4273. It is not largely sold in that form?—No, I do not know of any sales to speak of in London.

4274. Then in addition to these various forms of lard that you have described to us, you have, I think, an article called lardine upon the market?—Yes.

4275. What is lardine?—I think it consists of lard and cotton-seed oil chiefly, and possibly beef fat; but it is branded "lardine." However, the sale of that has declined very considerably indeed. Formerly all the refined lard from America had a percentage of cotton-seed oil in it.

4276. And when they gave up adding that cotton-seed oil they devised this new compound called lardine?—Yes. Some packers term it "lard compound"; others called it "mixed lard."

Chairman—continued.

4277. Does that consist practically of an inferior quality of lard and cotton-seed oil?—I would not say inferior lard; I think the lard is pretty much the same.

4278. Then lard and cotton-seed oil?—Yes; but that is merely sold to confectioners and bakers, and the sale is very insignificant now.

4279. It is practically out of the market, is it?—Yes.

4280. What has driven it out of the market?—A desire, I trust, on behalf of the public generally to have the pure article; which might also apply to cheese. You see lard is extremely cheap just now. But still I should not by that remark wish to impute anything wrong on the part of the bakers: that if it were dear they would adulterate the lard.

4281. But still when lard is cheap there is less inducement to fraud, of course?—Undoubtedly.

4282. Then there are some other substitutes for lard, are there not?—There is a firm at Liverpool who sell "Cottoline," which I think consists almost entirely of cotton-seed oil, but I am not sure; that is merely a report.

4283. Are there any other compounds?—There are similar compounds put up by different packers in the States, who call them by fanciful names; but I think they are practically of the same constituents.

4284. Then most of these forms of adulterated lard come from the United States, you think?—Yes, I think so.

4285. Is there any other country that you receive them from, or that they are received from?—We do not receive them; but I see by the Board of Trade Returns that a little comes from other countries, but really very trifling. I may say that in 1893 the importation of lardine from the United States amounted to 82,381 cwts., and from other foreign countries only 982 cwts.; from Canada, 383 cwts.; from other British possessions, 8 cwts.

4286. Is there anything else you would like to say?—It might interest the Committee to hear the statistics of the imports of lard into the United Kingdom. The United States figures are 1,070,093 cwts., out of a total of 1,118,106 cwts. You see that nine-tenths come from America. Denmark sends 6,682 cwts.; Germany, 3,331 cwts.; Holland, 9,093 cwts.; and Belgium, 4,962 cwts.; and other foreign countries, 1,698 cwts.

Mr. *Colston.*

4287. What is the comparative market value of filled cheese and ordinary genuine cheese?—This article has been blown upon, you know; retailers do not wish to buy it, and consequently it has been shelved; it is most difficult to sell it. I think people are afraid to handle it; but at present there is a very wide difference, something like 15*s.* to 20*s.* a hundredweight, I should say. A year or so ago, when there were considerable quantities from Scotland, I think there was possibly only a difference of from 6*s.* to 10*s.* a hundredweight. Large quantities, I think, of Scotch manufactured (oleine) cheese were sold at

Mr. *Colston*—continued.

42*s.* a hundredweight. Now, I think there would be a difficulty in getting 22*s.* There is a very great prejudice against this stuff, so that, with a little assistance from the Government, I think the manufacture might easily be killed.

Mr. *Kilbride.*

4288. Would you prohibit the manufacture of this spurious article in Great Britain?—Certainly.

4289. I think you stated that 25*s.* and costs, which would amount to 4*l.* or 5*l.*, is not a sufficient deterrent owing to the large profits made in the sale?—Yes; but I qualified that by saying that it was a heavy fine for shopkeepers in a small country place.

4290. But I presume that the shopkeeper is making a very considerable profit by the sale of this stuff?—Very probably.

4291. And no matter whether he was a small shopkeeper or a large one, he would still continue to do so if he was not fined more than the 20*s.* and costs?—Then we might come back to the honourable Chairman's suggestion, that after a second or third conviction the penalty should be imprisonment. That would be the way to deal with it, I think.

4292. Is there anything used to preserve lard?—No, the rendering of it at great heat is sufficient to preserve it for a considerable time.

4293. At these prosecutions would you have expert evidence as well as scientific evidence before the magistrates were allowed to convict?—Yes, I think so. I do not know whether I am right, but I understand that a certificate from Somerset House is unanswerable; but I think that the Somerset House analyst should appear at the court and give evidence subject to cross-examination. I am not quite clear about that; but as a rule the Somerset House certificate is taken as conclusive, and the retailer convicted.

4294. But would you have expert evidence as well as scientific evidence produced before you allow the magistrate to convict?—Yes, I should say so.

4295. I think you stated that the Belfast lard which was largely imported into Bristol was of American origin; on what evidence do you base that statement?—I cannot give you any direct evidence at the moment, but it is well known throughout the trade. The price would indicate it to begin with; it is many shillings below the cost of genuine Irish. And further, the manufacturers of this lard are well known to be large importers of American lard.

4296. The Belfast manufacturers?—Yes; the brands are well known.

4297. Do you get lard from Limerick and Waterford?—Yes; into London, you mean, I suppose.

4298. Not only into London, but to any part of England; the West of England, say?—Yes; there is a considerable quantity of Irish lard imported.

4299. You are aware, of course, that Belfast, Waterford, and Limerick are the three greatest pig-killing centres in Ireland?—Yes.

4300. What is the character of the Waterford and

Mr. *Kilbride*—continued.

and Limerick lard?—Waterford is at the top of the list. Waterford lard and Waterford bacon command the highest prices in the market. There is really not very much difference.

4301. Not much difference between Waterford and Limerick?—No, very slight; but Waterford is the standard for bacon and lard that command the highest prices.

4302. You say that Waterford is the standard for bacon and lard for the United Kingdom?—For Ireland at any rate. I think as good bacon can be produced in England as in Ireland.

4303. There is no doubt of that, and as good lard I daresay too; but as a matter of fact, both the bacon and the lard of Waterford and Limerick are a good standard?—Yes, undoubtedly; until recently the Waterford lard and bacon occupied the foremost place in the market.

4304. Is there any adulteration in the Waterford and Limerick lard?—No, I should say not; it is made from the flare of hogs. The hog is converted into bacon, so that the Irish makers use only the flare; whereas in America various portions of the animal are converted into lard—the back fat to a great extent; that is the reason why it is of so soft a texture.

4305. What are the regular prices of raw lard, beef fat, and cotton seed oil, can you tell the Committee?—I am unacquainted with the prices of cotton seed oil and beef stearine; but they are both very much lower than lard, as a rule. But all three are extremely low just now.

4306. But beef stearine and cotton seed oil being much lower in price than the raw article of lard, a mixture of these spurious articles of course ought to be sold at a very much lower price than pure lard. Are they, as a matter of fact, so sold?—The introduction of these articles of course tends to lessen the cost of lard.

4307. What I mean is this: does this adulteration of lard by beef stearine and cotton seed oil lead the manufacturer to get more profit than if he sold the genuine article?—Originally it did, but it does not now, because the mauufacture is on so very small a scale. These articles are merely introduced into imitation lard, for which there is a very small trade indeed.

4308. What has reduced the output?—I think I said just now that I hoped it was a desire on the part of the public to buy pure lard instead of the sophisticated article.

4309. I think you stated that in the year 1893 only eight hundredweight of this spurious article came from any country outside the United States, foreign countries, and the Colonies?—No, a much larger per centage than that; the other British possessions eight hundredweight; a mere nothing.

4310. I take it that in 1893 then only eight hundredweight could by any possibility have come from Belfast?—I should say that this did not come from Belfast at all. Ireland would not be described under a British possession; I should think it was possibly from New Zealand or Australia.

4311. Would not what came from Belfast and was imported into Bristol come under some head or other? It is imported into Great Britain surely, and there will be some record at the port of entry?—No, I think not; I do not think that British articles from one port to another in the United Kingdom are entered at the Customs House.

Mr. *Kilbride*—continued.

Mr. *Lambert.*

4312. Were the mixtures which are now sold as lardine sold as pure lard some years ago?—Yes, refined lard consisted of a proportion of cotton seed oil and beef fat, until about six or seven years ago.

4313. What is the reason for the discontinuance of the sale of those mixtures?—I think I may say that the inventiveness of the American manufacturer was ahead of the scientific knowledge of the English analyist. We had some suspicion, I may tell you, several years ago, and had an analysis made by Norman Tate, the eminent Liverpool analyst, of some American lard, which he declared to be absolutely pure; but since then the tests have become more delicate, and the introduction of foreign fat is much more easily ascertained.

4314. And did some prosecutions take place in order to prevent the cotton seed oil being mixed with pure lard?—Yes, there were several prosecutions in England at that time.

4315. Has that had the effect of checking the mixture?—Yes, I should say so. You see the sale of imitation lard now is very insignificant.

4316. And do the public, if they know, prefer to buy the pure article?—Yes, undoubtedly.

4317. What is the consistency of pure lard; is it almost a fluid?—Oh, no, not exactly that.

4318. I will not say almost a fluid, but still has it the consistency of cream?—It is much thicker than that.

4319. And what preparation do you use to stiffen it?—The only preparation is the pressure to get out the oil; then you procure requisite solidity.

4320. Is there any stearine used?—No, except in the imitation lard. We believe (and I think I have the strongest proof that one can have, namely, that two eminent analysts confirm what I say) that the American lard now described as such and imported as pure lard is absolutely pure, that is to say consisting solely of the fat of the hog, and nothing else.

4321. It is not mixed in anyway with anything else?—Nothing whatever.

4322. And you are quite sure that you can by sufficient pressure on pure hog lard so stiffen it that you can make it as stiff as it is usually sold?—Certainly; it is only a question of cost of manufacture. The sale of lard oil now is very trifling. Formerly it was used very largely as a lubricator; in fact animal fat was considered necessary; now mineral oil has taken its place, I think with advantage; it is more cleanly.

Chairman.

4323. Is there anything else that you wish to say?—I may say that there is a desire, I think, on the part of the manufacturers of bladder lard in England, and the Liverpool manufacturers of lard, to introduce a small percentage of beef fat, especially in the summer when lard is soft, so as to give the requisite solidity, and that it may be cut out into small quantities.

Chairman—continued.

4324. Would that constitute an adulteration?—I should say so. It would be getting in the thin end of the wedge. I should strongly oppose it.

4325. Because you could not have a standard for the introduction of the stearine?—No.

Chairman—continued.

4326. And, consequently, you might have a fraud perpetrated under the permission to add a certain percentage?—Most probably; and so might develope to a large and undesirable extent.

Mr. HENRY ARTHUR LANE, called in; and Examined.

Chairman.

4327. You are connected with the provision trade?—Yes.

4328. And you have been asked by the London Chamber of Commerce, I think, to give evidence about the adulteration of lard?—Yes, I was asked to do so, but I told them I did not know anything about it.

4329. I think it is a pity that the London Chamber of Commerce should send a gentleman up here who is engaged in the trade who tells us he does not know anything about it?—I have no technical knowledge; I have trade knowledge.

4330. That is what we want you to speak about?—Very well.

4331. Will you tell us whether in your experience in the trade there is any very great adulteration of lard taking place at the present time, or has there been recently?—I do not think there is any great adulteration at the present time. There was in the past, but there is not at present.

4332. What do you mean by the past?—Years ago, before the law was vigorously enforced in prosecuting those that sold the adulterated lard.

4333. Lard, at present, is not greatly adulterated, you think?—I should fancy not.

4334. There are some specimens that are imported from America and other places that are not pure lard, are there not?—As a rule they are sold as mixtures.

4335. What do those mixtures consist of?—They consist principally of lard and cotton seed oil or beef stearine mixed.

4336. They are really not equal to good lard for food purposes?—No, they are sold for less.

4337. Sold for a less price?—Yes.

4338. And recognised by dealers as being a less useful article of food?—I should say they would be.

4339. Are these inferior qualities mostly used for confectionary purposes and such things?—No, I think not altogether; I think a good many are sold by retailers, judging from the prosecutions I see reported in the papers occasionally.

4340. As an expert, and knowing a good deal of these things, could you tell that lard from good lard by its appearance?—It is very difficult to tell it.

4341. Has it the same consistency?—It is stiffer sometimes than the genuine article.

4342. And is it of the same colour?—Yes, it is of the same colour. It is made really to deceive, but as a rule most traders sell it for what it is, a mixture; most respectable people do.

4343. They know by the price at which they buy it that it is a mixture?—Yes, they do.

4344. Is that mixture sold as lard or lardine?—It is sold in the first instance generally by the importers as an adulterated article.

Chairman—continued.

4345. And then the retailer, if he happens to be dishonest, may sell it as the genuine article?—He may sell it as the genuine article.

4346. That is a fraud on the public which you think ought to be punished?—I do, most assuredly.

4347. And you would punish it most severely?—Yes.

4348. Especially on repeated offences?—Yes.

4349. Would you go so far as imprisonment?—I would.

4350. Do you know of any other articles used for this purpose except stearine and cotton-seed oil?—I know of no other.

4351. Is there any particular branch of the trade, or any particular district, where this adulterated article is more in use than it is in other parts?—No; I believe it is general all over England, Scotland, and Wales, at any rate.

4352. Do you agree with the last witness that some of it is sent from Belfast?—I know nothing about the Irish trade; I am not engaged in it; I am not prepared to make any such statement.

4353. But you are aware that it comes from America?—Yes.

4354. And you are also aware that very little lard is imported into this country from other parts?—Very little in proportion to what is imported from America of all sorts of lard.

4355. Is good pure English lard made up and sold in England in any special shape or form?—I do not exactly know what you call good pure English lard. There is lard sold here made by English refiners that is really not English lard at all.

4356. Then the fact is that that lard is not an English product?—It may be sold in small ways all through the country in barrels and half-barrels and crocks and pails, but the large refiners of England refine American lard to a great extent.

4357. So that they import an article which is of a less good quality, we will say, than the best lard, and they make it up for the market by adding to it certain constituents that make it better, and taking out other constituents from it that it ought not to have?—I fancy so, but I am not a technical expert in the manufacture of lard. I know nothing about it.

4358. But in the trade it is an opinion widely entertained, let me say, that there is a large amount of this lard made in this country from American lard that is imported?—Yes, there is no doubt of that.

4359. And that the English refiner of lard really

Chairman—continued.

really uses American raw material to produce his article?—The larger ones do.

4360. Can you tell us what are the characteristics that induce you to describe a specimen of lard as good as pure lard?—Pure lard is a lard made exclusively from the fat of hogs.

4361. Could you tell that if a specimen was placed before you?—I could not.

4362. You could not on its physical characteristics?—I could not. I doubt whether the analyst, Mr. Hehner, who is behind me, could.

4363. You think that is a source of difficulty?—That is a source of difficulty.

4364. Except for an analyst, possibly?—One would have to make an analytical knowledge of the component parts of the lard before he could tell whether it was pure or not.

4365. And simply to a trader accustomed to use these articles and sell them largely, the physical appearances are no guide?—No guide whatever. I am talking now of a first-class imitation.

4366. Then when you purchase lard you are liable to be deceived by anybody who likes to palm upon you an inferior article?—No, we are not; because we should buy from people who have a known reputation for selling pure lard.

4367. And you buy it on trust?—We buy it on a guarantee, and give a guarantee of its purity when we sell it.

4368. Then you are in this position: As a large buyer of lard, you buy large quantities from people whom you can trust; they give you a guarantee of its purity, and you accept that by passing on your own guarantee of its purity to the retailer?—Yes. Occasionally we have had our lard tested and found it pure, and occasionally the analysts have said that it was not pure. It is entirely a difference of opinion among analysts.

4369. Do you think that this old method, which is going out largely now, possibly in consequence of the cheapness of the article, of producing lard adulterated with cotton-seed oil and stearine, was injurious to the public?—I cannot go so far as to say that it would be injurious to the health of the public.

4370. But it would deceive the public, would it not?—Yes, it is calculated to deceive the public; but I do not say that it would be injurious to their health.

4371. Would you stop it?—No, not if it was sold cheap enough, and the people were satisfied with it.

4372. You think that if you could sell a cheaper food of this kind, provided it was not injurious, it ought not to be stopped?—I should say not.

4373. You would not treat adulterated lard in the same way as you would adulterated cheese or filled cheese?—That is beyond me. I know nothing whatever about cheese.

Sir *Mark Stewart.*

4374. We have had a certain amount of evidence to show that the large importers are often taken in by selling adulterated mixtures to their customers, and giving them a guarantee of their purity; is that often the case?—I should say not.

Sir *Mark Stewart*—continued.

4375. Have you not often heard of that?—No.

4376. Can you suggest any way by which the large importers could check the importation of an adulterated article, except by occasional analysis?—I know of no other way except by occasionally testing the brand they are buying; by having a public analyst to test it.

4377. And, as I gather from your evidence, it is only very occasionally that you do make these tests?—Very rarely.

4378. So that practically you are at the disposal of the manufacturers abroad?—We are entirely dependent upon the reputation of the manufacturer who sends the lard here.

4379. And you sell on that reputation and give a guarantee?—Yes.

4380. So that, if a retail customer was taken up for selling a spurious article, although he did so on the strength of your guarantee, he would be the man to be punished, and not you?—Not so; if he had a guarantee on his part, I believe the law would absolve him.

4381. Have you ever had cases come back upon you?—I do not know how the law reaches back. I know that the retailer can protect himself by insisting upon having a guarantee when he makes his purchase.

4382. Then does he ever come down in your knowledge upon the wholesale importer?—I believe not. As a rule when they are punished they have no guarantee, unfortunately.

4383. But those who have had a guarantee have never, in your knowledge, had recourse to the courts to enforce their guarantee?—No, they are generally let off when they have a guarantee, you know; the prosecution is abandoned.

4384. But does the guarantee attach to the wholesale importer as well as to the purchaser from the wholesale importer?—Yes, if he has a guarantee of purity. I do not know, but I do not think there has ever been a case of that kind to my knowledge.

4385. I want to know whether the wholesale importer is liable to punishment in the event of the retailer finding that he has a spurious article with a guarantee of its purity?—I believe not.

Mr. *Colman.*

4386. With regard to the so-called adulteration of lard, is it more liable to take place at one season of the year than at another season?—Yes, I should say it would be more liable to be adulterated in the summer than in the winter.

4387. Would that be because of the temperature?—On account of the temperature.

Mr. *Kilbride.*

4388. Could you tell us what is the price of lard oil?—No, I could not.

4389. We have had it in evidence here that it is not necessary to add stearine to lard to have it specially stiff, if a sufficient quantity of lard oil is expressed in the lard. The reason I ask you the question whether you know anything about lard oil is because I want to know whether it would

Mr. *Kilbride*—continued.

would pay the American manufacturers to express the lard oil. I believe lard oil is very cheap?—There is not the demand, I should say, for lard oil that there was years ago; but I should say that if they put a sufficient amount of stearine in the lard they need not press it so hardly; it is a question of stiffening the lard with lard stearine.

4390. Would you not look on a mixture of stearine and lard as adulteration?—Not lard stearine.

4391. Is the lard refined in England from the raw American article of a lower quality than the lard refined in England from the raw English article?—The lard that the refiners in England use is what is known to the trade as prime steam lard that comes over here in tierces. It is used in the United States in the same way; they refine the lard from prime steam lard, which is the lard of the entire animal.

4392. Would you not say that raw lard produced in England is of a better quality than raw lard produced in America?—Most assuredly I should.

4393. And, consequently, would you not say that the refined article produced in England from raw American lard would be of an inferior quality to the refined article produced here from the English raw lard?—If they knew their business well enough to refine it properly it might be.

4394. Did you give any evidence at all as to whether refined lard produced in England from the American raw article sells at a lesser price, or does it get the same price or a higher price?—I should say that it sells at about the same price; I do not see much difference in the price. I am thinking now of one or two firms in the Midlands. A good deal depends on the trade that is established; if people take a fancy to a brand, they will pay a little more for it if they imagine it is better.

4395. Do you think that an English refiner of lard who uses nothing but raw American lard ought to be compelled to brand his product as lard refined in England from the American raw article?—No, I should not, as he sells it as refined lard. If he describes it as refined English lard, I should say that he is liable under the existing law for false representation.

4396. But surely that is an injustice to the home producer of the English article, it is an injustice to the English pig-feeder as against the American pig-feeder, is it not?—Well, I suppose it is.

Mr. *Lambert.*

4397. You say that in the case of a man who sells an adulterated article, on his producing a guarantee he is held to be absolved in the eye of the law?—I believe that is so; that is what I have always understood.

4398. Have you ever known a prosecution to be taken against the guarantors?—No, I never have. I believe there was a case, but I cannot recall it; I think there was a case down at Bristol, if I am not mistaken; but I cannot tell you about that.

4399. Do you ever get guarantees from abroad?—The people that consign the lard to us in this way, write that it is absolutely pure, and we can subject it to any examination we like.

4400. You do not get guarantees?—In this way we do, that they say that the lard is pure, and that is guarantee enough for us from a respectable firm.

4401. Would that hold you responsible or hold you absolved in the eyes of the law?—Over here?

4402. Yes; would that act as a guarantee in a court of law?—I should say it would. I am speaking of the lard we sell now. On every pail is branded, "We guarantee the contents of this pail to be absolutely pure." It is over their own signature.

Mr. JOHN M. HARRIS, called in; and Examined.

Chairman.

4403. I THINK you are a partner in the firm of C. & T. Harris, of Calne, Wilts?—Yes.

4404. And you are largely engaged in the pig trade?—Yes.

4405. You kill 2,000 or 3,000 pigs a week?—Yes.

4506. And from those you make a large quantity of lard?—Yes.

4407. Will you describe from what part of the pig you make that lard?—From the inside fat.

4408. You use the greater part of the animal for bacon?—Yes, all the carcase.

4409. And you take the inside fat for the purpose of making lard?—Yes.

4410. Is that called flare lard?—Yes, or leaf lard, or fleck; there are several different terms.

4411. Those are technical terms used in the trade?—Used amongst curers.

4412. Do they refer to the special parts of the animal from which the fat is taken?—The best is the fat from just round the ribs and kidneys.

Chairman—continued.

4413. That is the most solid fat?—That is the most solid fat.

4414. Does that contain the largest amount of stearine?—English curers know nothing of stearine; they simply melt the fat, and that is all they do to it; there is no refining wanted.

4415. Is there any technical term applied to that particular form of lard made from that fat?—No, we have only one word, "lard."

4416. Then do you mix all these fats together, or do you make any superior quality of lard of the fat taken from any particular part of the animal?—No, we do not make lard except from the inside of the animal.

4417. And all that fat is mixed together from the inside?—There is a little from just perhaps one part of the pig, which makes a second quality of lard, but it is a very small quantity.

4418. The

Chairman—continued.

4418. The pigs you use are all killed by yourself?—Yes.

4419. And you do not consider it neccessary to add anything to this lard you make in order to fit it for the market?—Nothing at all.

4420. It is simply melted and put into vessels and sent to market?—Put into bladders principally.

4421. Then your lard, I think, is known as bladder lard?—Yes, if it is in bladders; sometimes it goes out in tins.

4422. Or in pails?—No, that would be too much like the American article.

4423. What price do you get for your lard?—A very poor one now.

4424. But as compared with other lards, what price do you get for your lard?—Generally speaking from two to four or six shillings a hundredweight more.

4425. More than the best American?—I thought you were speaking of Irish. The American prices I do not know.

4426. But you get better prices than the Irish?—A little better.

4427. Is there a difference in the prices of the Belfast and Waterford lard, in your knowledge?—I believe so.

4428. Waterford and Limerick lard ranging higher than the Belfast lard?—Waterford ranges the highest of any.

4429. Now some years ago, you know that other things were added to the pig's fat to make lard?—Yes. I may say, perhaps, that I am a member of the Bacon Curers' Association of England, which has been formed during the last few years to try to protect the interests of the English and Irish bacon curers.

4430. Against what?—Against fraud.

4431. And against fraud in the manufacture of lard?—Not only that, but against fraud in selling American and other bacon for English and Irish bacon.

4432. Has the lard more especially required protection?—Not more especially, I think. The association have taken up prosecutions, and found it very difficult indeed to obtain convictions.

4433. In what has the difficulty resided?—I hardly know; technical difficulties, I think. In two or three cases in Bristol and Cardiff about 12 months ago convictions were obtained after great difficulty.

4434. Was that difficulty on account of the analytical evidence, or on account of other causes connected with the defects in the law?—It was in connection with the defects in the law, we think, to a great extent.

4435. That is to say, the law did not enable you to get at these people?—We did get at them at last, but it was after great difficulty, and they were convicted.

4436. Were they convicted of selling adulterated lard?—Yes.

4437. Adulterated with what?—I could not say just now; some foreign article of fat, some foreign fat.

4438. Probably beef fat or cotton-seed oil?—Mr. Hehner, the analyst, who is here, was on

Chairman—continued.

the same business; he could answer that correctly, I think.

4439. You put your lard up principally in hog's bladders, and sometimes you put it into casks?—Yes, the bigger part of it goes into bladders, which are packed in casks.

4440. And you stamp all your lard?—Every bladder.

4441. With your name and guarantee?—Yes, "guaranteed pure."

4442. The foreign lard that comes into this country competes with you?—Well, if a housekeeper buys a pound of American lard, she does not want a pound of English.

4443. That is the competition?—That is the competition.

4444. But it competes with you at a considerably lower figure, does it not?—I should say so.

4445. And that drives down the price of the English article?—Yes. I can remember when English lard sold at 80*s.* a cwt.

4446. What is the price now?—Forty shillings to forty-five shillings.

4447. Still there is a good profit on the making, is there not?—I am sorry to say there is not.

4448. Not a good profit on the making?—No.

4449. Then the foreign article—the American lard—rather comes in at a lower price?—Yes; very much lower.

4450. And you think the competition injurious to the English producers?—Yes.

4451. It is still more injurious in that it is an unfair competition, you think, if that article is made up of other things than it professes to be, is it not?—Certainly.

4452. And you complain of the unfairness of an article being put upon the English market which contains cotton-seed oil or stearine?—Yes, because they are not sold for what they really are.

4453. It is a fraud on the public, in fact?—Yes.

4454. Would you prohibit the use of such mixtures, or would you allow them to be sold if they were declared to be of a certain composition?—I do not think it would do any harm if the public—that is, the householders—knew that they were buying a mixture of pig's fat and cotton-seed oil.

4455. Then you do not think it would be injurious to the English trade?—I think they would nearly always have the pure article.

4456. That is to say, the public would protect themselves, if they knew, against a spurious article such as you refer to?—Yes, I think so. The retailer is not defrauded; that is to say, the shopkeeper—he knows what he is buying and selling. It is the householder, the private party, that is defrauded.

4457. In certain cases which the Bacon Curers' Association took up, there was a question, was there not, of lard refined in Belfast?—Yes.

4458. Could you describe to us the process of refining?—I do not know anything about refining. English lard does not require refining.

4459. But the inferior quality brought over

Chairman—continued.

from America goes through a manufacturing process, called refining, before it is put on the English market?—I believe so.

4460. And in that process of manufacture in some cases foreign fats and foreign oils are added?—I should suppose so.

4461. And in the case you had at Bristol it was stearine that was added, was it not?—I believe so.

4462. Is that stearine ever added for the purpose of stiffening the lard?—That was the excuse, that it could not be a marketable commodity unless it was stiffened.

4463. Do you ever find that in hot weather and under climatic conditions, which are unfavourable to its consistency, it is necessary to add beef stearine to your lard in order to make it stiff?—We add nothing at all, not even in the hottest summer.

4464. Your lard has always a texture and consistency of its own sufficient to make it a good saleable lard?—Yes, it is as firm as butter.

4465. And you think that any manufacturer of the pure article could turn it out as solid as butter throughout the year?—From British pigs, not from American pigs.

4466. American pigs produce a soft lard, do they?—Yes, because, I believe—in fact, I have seen myself over there in Chicago—if American bacon is making a bad price, they will boil the pigs down for lard, putting in carcase, head, and everything.

4467. And they get the fat from the whole body, and consequently produce an article of less consistency?—Yes, a soft, oily lard.

4468. Whereas your English lard requires no process except melting the fat and sending it to market?—That is so.

4469. No refining?—No refining at all.

Sir *Mark Stewart.*

4470. What is the present price of American lard?—I could not say the present price of the American article. Ours is about from 44*s.* to 50*s.* a cwt.

4471. Is there any profit at all on it at 44*s.* a cwt.?—We are paying more than that for the pigs in which the fat is.

4472. Practically, then, it has come now to a point at which you can make nothing out of the lard?—We can make nothing out of the lard.

4473. At the lowest price made, I mean, 44*s.*?—There is no profit; there is a loss on it.

4474. Do you consider that there is much tampering with the home-made lard?—The lard made by the English and Irish curers is absolutely pure.

4475. But is it tampered with before it goes into the hands of the public?—No; because, if they tampered with it, they would only make it worse. That is to say, the pure English lard you are referring to, I suppose.

4476. Yes. You think that is a really genuine article, to which, so far as you know, there is nothing done to impair its purity?—Nothing at all.

4477. But in the case of the American lard; that goes through a process as soon as it comes

Sir *Mark Stewart*—continued.

to this country?—I believe so. We do not touch American lard at all, so that I could not say.

4478. Where does the trade supply come from, from America, besides Chicago?—Kansas City.

4479. Cincinnati?—Not so much, I believe, from Cincinnati as from Kansas City and several of the big pork centres.

4480. What reason do you give for the very low price of lard at the present time?—I should say it was because there is such a large quantity of American lard sent over, and a large quantity of the margarine and other fats, which all compete and drive down the price of butter; that drives down the price of pure English lard.

4781. Yet you would not stop any of those cheap compounds from being imported, I understand?—If it were sold on its merits I should not stop anything; because I believe the pure article would always create a demand and always make its price.

4482. Can you suggest any way by which the public could identify the pure article except by the price?—Every bladder or every pail should be stamped.

4483. You admit that it is very difficult to discern the difference by the eye?—You cannot do so, it is made so much alike.

4484. Then in your opinion is there much cheating going on in the retail trade; do they often sell a mixed article for a pure article?—That I could not say; I am not a retailer.

4485. You could not answer that question?—No.

4486. Do you imagine that the public do get the article they are paying for?—The retailer sells it as lard.

4487. They do not say what lard it is, though?—No, there is nothing to show what it is when the retailer sells a bladder of lard.

4488. They never take your lard and mix it with American lard, and so improve the American lard, do they?—I wish they did.

Mr. *Colman.*

4489. What is the weight of these bladders of lard?—Any weights, according to the size of the pig the bladder comes from.

4490. I meant the average weight?—From perhaps a 2lb. bladder up to a 30lb. or 40lb. bladder from a very big pig. We sell to the trade; we do not sell to the householder.

4491. You say that your bladders are all marked?—Every bladder is stamped with our name.

4492. And you think that there would be no difficulty in other lard, foreign lard, being also branded on the bladder?—If that lard were refined in England there would be no difficulty about it.

4493. What is it stamped with?—Just a small indiarubber stamp, with ink.

4494. An inch or two, or five or six inches?—Just a small letter of an eighth of an inch.

Sir *Mark Stewart.*

4495. What is on the stamp?—"Harris; guaranteed pure."

4496. Is

Sir *Mark Stewart*—continued.

4496. Is that liable to be removed?—It might be with a cloth, perhaps.

Mr. *Colman.*

4497. Rubbed off?—It might possibly, but there would be no advantage in rubbing it off, because it is the highest-priced article.

4498. The reduction in price then, do I understand, has been because of the competition of margarine and the large quantity of butter?—I should say so, to a great extent.

4499. Was it not the case formerly that the poor people used to use lard instead of butter; before margarine came in, I mean to say?—Very much so

4500. Then, in other words, there is perhaps a less consumption of lard in that way than there used to be?—They can get so much cheap butter and margarine and that sort of stuff now that that is so, no doubt.

4501. And they substitute that for the lard which they used to use for butter?—Yes.

Mr. *Colston.*

4502. Can you tell us about how much lard a pig of 10 score would make?—I could not just now from memory.

4503. Taking pigs of various sizes, can you give us any idea about what the average would be?—A pig of eight score would, perhaps, have 12 or 14 lbs. of fat in it.

4504. That is the best lard?—Yes. That lard would have to be melted, and a certain amount of it would go off in vapour or steam, the moisture in the fat, and there would be a little refuse, such as skin. If 10 lbs. of fleck were put into the boiler it would not run out 10 lbs. of lard after melting.

Mr. *Kilbride.*

4505. When you said that you got from 2*s.* to 4*s.*, or 6*s.* per cwt. more for your lard than the price of Irish lard, did you mean Belfast lard?—Yes, Belfast lard.

4506. As a matter of fact, you do not get from 2*s.* to 4*s.*, or 6*s.* more for your lard than for Waterford lard, do you?—Waterford lard is sold free on board, and ours is sold delivered into London, and that would make, I think, 4*s.* a cwt. more.

4507. Would Waterford lard make as much in London as your lard?—No, not quite.

4508. What percentage of oil would be necessary to be expressed from semi-fluid lard, so that the lard would be sufficiently stiff?—Do you mean English or Irish?

4509. I mean this American lard?—I do not know anything about American refining.

4510. There is a large quantity of lard refined here in England, is there not, from the raw American article, which is sold as English refined lard?—Yes.

4511. Would you be in favour of having those casks branded "Lard refined in England from American raw lard," so that the public would know exactly what they were getting?—If the casks only were stamped, the public would not know anything about it; that is to say, the householder, the consumer.

Mr. *Kilbride*—continued.

4512. Would you be in favour of having it branded from the top down to the bottom, that is to say, from the manufacturer down to the retailer?—I should be in favour of having every bladder stamped.

4513. Stamped "Lard refined in England from American raw lard"?—Yes, or in some descriptive way, so that a householder would know that she was buying American fat.

4514. Is it not to the disadvantage of gentlemen like yourself, who refine nothing but the very best English product, to be competed against by lard refined from an inferior product which is American?—Certainly.

4515. Therefore you would be in favour of doing justice to the English producer?—Certainly.

4516. Is it not a fact that the lard from a pig is largely affected in quality by the way in which that pig has been fed?—Yes.

4517. Are not potatoes and ground corn the best food that a pig can get to produce first-class lard?—Yes, with butter milk or dairy produce mixed.

4518. And is not the reason why the American lard is of inferior quality because the pigs are largely, if not wholly, fed with Indian corn?—That makes the oily substance which they have to press out.

4519. And it is, I suppose, because lard oil is now of such little value, that the American lard refiners are not in favour of expressing too much of this moisture, seeing that they get so very little for what is expressed?—I could not say the price of lard oil; I do not know anything about American prices.

4520. I think you told us that you killed 2,000 or 3,000 pigs a week, and that you were represented upon the English Bacon Curers' Association; that you are a member of that body?—Yes, it is English and Irish.

4521. And that your association is doing whatever it can in the interests of the English and Irish bacon producers?—Yes.

4522. Is it not a fact that a large quantity of American bacon comes over here in a green soft state, wet, absolutely wet, from Chicago; and that there are a certain number of people both in England and Ireland who put that through a re-curing process, and, having dried it, sell it both as best Irish and best English?—They do not re-cure it.

4523. What do they do with it?—They dry it and get it up.

4524. That is what I meant; they dry it and get it up so that it resembles best English and best Irish?—To a certain extent it resembles them.

4525. And it is sold as best English and best Irish?—In a good many cases.

4526. And is it not the case that lots of American hams which come over in that wet state are put through these processes in this country and then put on the market here and sold in retail shops as York or Waterford or Limerick or any one of the well-known brands?—The Bacon Curers' Association have obtained 30 or 40 convictions for that same thing within the last 18 months.

4527. Do you think that the law as it stands

Mr. *Kilbride*—continued.

is sufficiently stringent to enable you to prevent these frauds?—Yes, if it were carried out.

4528. Why is it not carried out?—The Board of Agriculture, into whose hands it is put now, will not help the association in the prosecutions at all. They say that this is no fresh case. They prosecuted in the first case, and the association gave them evidence in four or five other cases, and they say: "There is no fresh feature in this case; you must prosecute yourselves," which the association did, at a very heavy cost.

4529. Then you think that in cases where frauds are committed in these food products it is a Government Department that ought to take up the prosecutions, and not leave it to associations such as yours?—Certainly.

4530. What Government Department would you suggest should undertake these prosecutions?—The Merchandise Marks Act was passed, and put into the hands of the Board of Trade, and they prosecuted in one case. Afterwards they would not prosecute, as there were no fresh features in that case. The thing is the same; it is just selling an article for what it is not.

4531. Could you give me any idea at all as to the quantity of American bacon and hams that are brought over here in a green, wet state, and then sold as English and Irish to purchasers of English and Irish articles?—I could not give any idea of the quantity; it is a very large quantity.

4532. But that fraudulent trade is going on to a very large extent, is it not?—Yes.

4533. When you said that you got 80*s.* a cwt. at one time for your lard, and you only get 40*s.* or 45*s.* a cwt. now, what was the price of pigs when you got 80*s.* a cwt.?—Speaking from memory, about 10*s.* a score, I should say.

4534. What is the price now?—Seven shillings and sixpence.

Mr. *Kilbride*—continued.

4535. Is bacon saved with any other preservative than salt?—In America, I believe, it is, but not by English and Irish curers; they only use salt.

4536. What do the Americans use besides salt?—I think they use boron.

4537. What is that prepared from?—I do not know at all; I see it quoted sometimes.

4538. Is there any borax in it?—I expect that is the foundation of it; some preservative.

4539. That is used as a preservative?—Yes.

4540. Are you aware that in some countries the use of borax as a preservative is prohibited?—I did not know that.

4541. When you say that you were in favour of having all bladders containing lard stamped you told us, I think, that your stamp was simply an india-rubber ink stamp?—Yes, just one of the little india-rubber stamps.

4542. Which could be removed, of course, but nobody, you said, would remove it because your article is the highest product?—Yes.

4543. Would you be in favour of having a perforated stamp used?—If you perforated the bladder perhaps you would crack the bladder, and then some dirt might get into the fat; but there would be no difficulty of that sort with an india-rubber stamp. The Irish curers stamp their lard with this ink stamp the same as we do.

4544. But if when an inferior article was stamped it were possible to remove the stamp off the inferior article, would you not be in favour of having some kind of stamp used that could not be removed; would you make any suggestion as to what kind of stamp you would be in favour of, an indelible stamp of some kind?—I think if every bladder were stamped the retailer could not get it off without a good deal of trouble, a wet cloth and a good deal of rubbing. A hole in the bladder would probably let dirt in, and possibly let the fat out.

Wednesday, 8th May 1895.

MEMBERS PRESENT:

Colonel Bagot.	Mr. Kilbride.
Mr. Colman.	Mr. Newdigate.
Mr. Colston.	Sir Mark Stewart.
Sir Walter Foster.	Mr. Whiteley.
Mr. Frederick Frye.	Mr. Yerburgh.

SIR WALTER FOSTER, IN THE CHAIR.

Mr. ALEXANDER OSBORNE, called in; and Examined.

Sir *Mark Stewart.*

4545. YOU are a partner in the firm of Alexander Osborne and Sons, wholesale provision merchants, Glasgow?—Yes, I am.

4546. Have you been a partner for some years?—I was the original member of that firm, and it is now 50 years since I started the business.

4547. Perhaps I may take it that your firm are the largest dealers in cheese in Glasgow?—I would not say that, but we do as large a business, I think, as any in the trade in Glasgow.

4548. You have come here specially to give evidence on the subject under consideration by the Committee?—Yes, I have done so.

4549. Is it chiefly cheese and butter that you have given your attention to?—Chiefly cheese and butter.

4550. Does that refer to Irish butter as well as foreign butter, or merely the home production?—At one time it was largely Irish butter, but the Irish butter has largely gone out of the Glasgow market now, and it is mainly foreign butter.

4551. From what countries does the foreign butter come, chiefly?—To the Glasgow market it comes mostly from Denmark. We have no confidence in the butter that comes from Germany.

4552. Do you deal at all in French butters?—Not at all; there is very little French butter which comes to Glasgow market, I think.

4553. Do you deal much in home butters?—We do nothing in home butters. They all go from the makers to the retailers; the home butters are sold direct to the retailers.

4554. And I suppose they are sold in comparatively small quantities?—They are sold in comparatively small quantities. The other butters that are now taking the place of Irish butters in the Glasgow market are from Australia.

4555. Do you buy largely from Australia?—We deal a great deal in Australian butters.

4556. Is there a considerable quantity of butter coming into the Glasgow market from Australia at this time?—There is a large

Sir *Mark Stewart*—continued.

quantity that comes to Glasgow, but it comes mostly from the London market; we have no steamers direct from Australia to Glasgow; we require to get it from London.

4557. You get it down by train?—Yes.

4558. In ice?—No.

4559. What is the quality of that butter?—It is very superior butter, quite as fine as any butter we get from anywhere else.

4560. What is the price of Australian butter in Glasgow at this time?—The wholesale price at this moment is from 70*s.* to 80*s.* a hundredweight.

4561. Have you any warranty along with that butter in making your purchase?—We understand that the authorities in Australia take very good care that no butter shall be shipped from those ports without its being what it is represented by the dairy makers to be.

4562. Does that apply also to New Zealand butter?—That applies also to New Zealand butter.

4563. In selling that butter to retail customers do you give a warranty with it?—If they want it we will, but they never ask for it.

4564. But you consider that you buy on warranty?—Yes. But it is a very genuine butter; it is the finest butter that is coming into this market.

4565. Have you ever had retailers coming back upon you for bad butter?—No.

4566. Never?—Never; we take great care not to buy any butter that we have any suspicion of.

4567. And you have never had a case in your 50 years' experience?—I do not remember one at present.

4568. Are you the largest importers into Glasgow of this foreign butter?—We are as large as any; we sell, of course, direct to the retailers.

4569. Is it within your knowledge that this butter is tampered with at all in the hands of the retail trade before it reaches the public?—

Sir *Mark Stewart*—continued.

No, I do not think that such a thing ever occurs.

4570. Not in Glasgow?—Nor in Scotland.

4571. You speak generally for Scotland?—Yes.

4572. Does that apply also to cheese?—It applies to cheese; yes, I can speak for the same thing with regard to cheese.

4573. Are the home cheese in greater favour and more demand than the foreign cheese?—They are very much more in favour in Glasgow market and the Scottish markets generally.

4574. What is the difference in price between the foreign and the home cheese of the best qualities?—There are cheese coming from Holland known as Gouda cheese, and these have been in favour in the East and North of Scotland for many years, although they are going rather out of favour a little now.

4575. In some parts?—In some parts. In Glasgow they never have been much in favour. In Glasgow the American cheese are most in favour, and to some extent New Zealand cheese has taken a considerable position in the Glasgow market.

4576. Could you give the Committee about the prices of these various cheese, the home, the New Zealand, the Gouda, and also Australian cheese?—The present price of Gouda cheese runs about 15*s.* a hundredweight under the price of home cheese, but the reason why there is such a great difference at present is that the Gouda are newly-made cheese, while the home cheese are last season's matured cheese.

4577. And, of course, there is a considerable shrinkage in the new cheese?—Yes.

4578. Then what is the price of home cheese, would you say?—The home cheese at present in Glasgow market averages about 56*s.* a hundredweight.

4579. And what is the price of American cheese?—The American cheese averages about 48*s.*

4580. And the Australian or New Zealand?—About 44*s.*, that is the New Zealand. We have no Australian, but New Zealand cheese averages about 44*s.* to 46*s.* a hundredweight.

4581. As much as that?—Yes.

4582. And that is an increasing product, is it not?—This season they have not increased over last year.

4583. Are the home cheese that are made in Scotland mostly sold there?—Altogether almost, those that are made in Scotland. Very few come from England now to Scotland. In my earlier years in the trade we had a good supply of cheese coming from the English markets; but since they have adopted in Scotland the Cheddar system of make, the trade is confined almost altogether to Scotland.

4584. Then does much Scotch cheese find its way into the English markets?—Not much now, I think.

4585. A certain amount goes to Newcastle and Manchester, does it not?—No doubt at times there will be some, but the trade is not a steady trade.

4586. Merely small parcels?—Yes.

4587. Will you tell the Committee what cheese

Sir *Mark Stewart*—continued.

are made in Scotland?—There are first Dunlop cheese, that is full-milk cheese, which take the place of what, in early times, was known as Scotch cheese.

4588. And that was made chiefly in small dairies?—Yes.

4589. By the farmers themselves?—Yes. Then of late years, or about 30 years ago, a man was brought down from England to teach the Scotch farmers how to make Cheddar cheese, and since that time quite a half of the full-milk cheese made in Scotland are Cheddar cheese.

4590. Then those are the two great manufactures, the Dunlop and the Cheddar system?—The full-milk cheese are made altogether in those two systems.

4591. Then there is another cheese, these filled cheese that we have had a good deal of evidence upon; they are made in addition to those other two makes, are they not?—Yes, there have been one or two factories started in Scotland as butter factories, but they have a residual product in the form of skim milk. That article can be sold for five or six months in the year to be used as milk; but there is for six months in the year, in the summer time, no demand for it.

4592. It would not carry?—It would not be used; people would not buy it; they get full milk at a low price; and there is nothing else can be done with that skim milk but to make it into cheese. But when it is made into cheese, although it is purely skim milk, the people have got so fastidious in their tastes now that they will not buy it, they want something better than pure skim-milk cheese; and the makers of that cheese in order to improve the quality of it have introduced oleine.

4593. Does that render it, in your opinion, a wholesome food?—Quite a wholesome food; quite as wholesome as full-milk cheese.

4594. But it is not so valuable a food, is it?—It is not so valuable, and it is sold as skim-milk cheese.

4595. But they put in lard as well, do they not?—Not in Scotland; not to my knowledge. I suspect not.

4596. You have handed me a table of three different varieties of cheese. What does that represent?—This analysis was made by one of our analysts.

4597. Would you just note to the Committee the difference between the Dunlop, the oleine cheese, and the Gorgonzola?—These were three samples of cheese sent to the analyst. The proportion of butter fat in the Dunlop cheese was 31·68; in the improved skim-milk cheese the butter fat was 11·32.

4598. That is Dunragit cheese, cheese made at the Dunragit factory?—Yes, and in the Gorgonzola cheese the butter fat was 11·32.

4599. That is not made in this country, is it?—No, it is not made in this country; but it is a favourite cheese and sells at a very high price. Of other fat there was none in the Dunlop cheese, that is, the Scotch full-milk cheese; in the improved skim-milk cheese there was 16·98 per cent., and in the Gorgonzola cheese there was 6·75 per cent. of foreign fat. The caseine in the Dunlop cheese was 32·30 per cent.; in the Dunragit

Sir *Mark Stewart*—continued.

Dunragit cheese 32·64 per cent., and in the Gorgonzola cheese 26·18 per cent.

4600. So that the substance of this report is that the home made Dunlop cheese is the purest?—Yes.

4601. And how does it stand as to price in comparison with the margarine or Dunragit cheese and the Gorgonzola?—I am really not able to tell the Committee the value of the Gorgonzola, because we do no business in them; but in regard to the others, the price of improved skim-milk cheese in the Glasgow market at present is 24*s.* a cwt.

4602. Is that commonly called margarine cheese?—In the Scotch market it is called Dunragit cheese, and in the English market I believe it is called oleine cheese.

4603. What is the difference in price?—The difference in price at present is, in improved skim-milk cheese, about 24*s.* to 26*s.* a cwt., and the home full-milk cheese last year was about 50*s.* to 56*s.* a cwt.

4604. In your opinion, is this Dunragit cheese often sold as a genuine article by the retail dealer to the public?—The home cheese I am speaking of is never sold, either by retail or wholesale people, as a genuine full-milk cheese.

4605. Are the public aware when they go into a shop what they are buying?—They are quite aware of that.

4606. Is it marked in any particular way?—It is marked with the Dunragit ticket put in it.

4607. But the ticket comes off, does it not?—No, it is put in the face of the cheese.

4608. Is the cheese stamped in addition?—No.

4609. Then if the cheese has been cut in two, and the mark happens to be on one side, how is the public made aware of its nature?—The exposer of the cheese is bound to keep the mark on the face of the cheese, where the price is also exposed along with the mark.

4610. And you consider that that is ample security to the buyer against purchasing an article which is really not pure cheese?—That is an absolute security. There was a prosecution that took place with regard to this cheese.

4611. That is the oleine cheese?—Yes. One of our analysts was asked to analyse it and to say what he considered its qualities and its value. I have copies of his analysis of this cheese, together with the opinion of the analyst, who is one of our first analysts in Glasgow.

4612. Will you read it, if you please?—This is an analysis of the Dunragit cheese. He says here at the beginning: "This is evidently a cheese made from skim milk enriched with extraneous fat. In my opinion, it is a wholesome article of food, and superior to cheese made from the same skim milk without the addition of fat. I consider that it is good value at from 4*d.* to 6*d.* per pound, when the price of ordinary sweet-milk cheese is selling at from 8*d.* to 10*d.* per pound, and I see no reason why this class of cheese should not be provided for the public want, so long as the customer is not deceived as to its true character."

4613. And you consider that the lowness of the price really protects the customer?—It quite

Sir *Mark Stewart*—continued.

protects the customer. I may say that our sanitary officers, who have taken up on two or three occasions this cheese, have been led to them by seeing them marked at 4*d.* a lb.; and being a cheap cheese, they thought there must be something seriously wrong with the quality.

4614. Then you consider that if a buyer goes into a shop and has only to pay 3*d.* or 4*d.* a lb. for cheese, that at once tells him that he is not buying the best article?—That tells him that he is not buying the best article; but in my opinion he is getting an article equally nutritious, and quite as wholesome as if he was buying a full-milk cheese.

4615. In regard to foreign cheese, have you any means of ascertaining the composition of those cheese?—I have no means at all, except through having them analysed.

4616. And do you not think the public are subjected to any harm in purchasing a cheese the manufacture of which they know nothing about?—I believe they are, and I believe they are often imposed upon by those cheese sent in from America.

4617. How would you remedy that; what should you propose?—I propose, as a remedy for both adulterated butter and those filled cheeses coming from foreign countries, that the governments of the countries should be made responsible for the qualities of the cheese shipped from those places.

4618. And if the governments of the countries declined to be responsible, what would you propose should be done?—That the Government of this country should then simply refuse to allow the cheese to be landed here.

4619. Do you think that is the best way out of the difficulty?—I think that is the only way in which it could be efficiently done. The mere following up of the cheese after they have been landed and distributed by the sellers is a very poor way of getting at any imposition that is being practised.

4620. Because then the cheese are distributed over the country?—They come here, and it may be one or two little streams that are caught; but the great bulk of the cheese has been distributed and consumed.

4621. Is the opinion that you are expressing the opinion of the trade generally in Scotland, do you think?—I think it is the opinion of all the traders in Scotland who wish to do business in an honest and above-board manner.

4622. And it is, of course, in the interest of the wholesale importer to get the best article?—It is the interest of all in the trade as well as the interest of the consumer.

4623. And would you propose that a certificate should accompany all the cargoes?—I propose that the packages in which the goods went, whether butter or cheese, should have the Government stamp upon them, and that there should be a Government certificate sent along with the goods in some public way, so that those engaged at the ports having the superintendence of those importations should be able to check them. The full-milk cheese from the State of New York have the Government stamp upon them guaranteeing their genuineness.

4624. Is

Sir *Mark Stewart*—continued.

4624. Is that the only State that gives that guarantee?—So far as I know that is the only State in the meantime.

4625. But that is the principal State, is it not, from which those cheese come?—Yes, for the finest qualities of cheese. We do nothing in those cheese if we know them; but I am informed that the cheese of the inferior kinds, those filled cheese, come mainly from the Western States, Illinois and Wisconsin, and are sent mainly from Chicago.

4626. And you have no sort of guarantee how they are made or whence they come?—I have a sort of notion how they are made, but I am not sufficiently informed to be able to state dogmatically how they are made.

4627. What do you think are the ingredients that make them so inferior?—I understand that they are made principally with lard, that the fatty matter put into them is principally lard, and I cannot think that lard will ever amalgamate with milk. I think oleo, which is really a product of the cow, a product of ox fat, if properly put into the milk before it is coagulated will amalgamate, and that the cheese made from it, speaking from experience and from experiments made with them, ripen as well as will full-milk cheese if properly made.

4628. Lard being a hog's fat?—Yes.

4629. What is the reason that these cheese are adulterated in that particular way; is it because the lard is cheaper there than the best oleo?—I think another reason is that it gives them a softer texture, and makes them look more like full-milk cheese.

4630. By lard?—By lard.

4631. But you say that they cannot have the same nourishment in them?—No, and I do not think they will keep as cheese; I think they will very soon corrupt if they are kept any length of time.

4632. Is much of that product imported into this country?—There is a good deal arrives, I believe, in Liverpool. I do not think there is much in the Glasgow market, although it was reported last winter that there were considerable quantities coming in.

4633. Where is it consumed?—I suppose some is consumed in Glasgow and the surrounding markets, but I believe that a good deal of it was sent on to the North of England.

4634. Is it very cheap?—No, they were selling it at prices that should have warranted the cheese being full milk of an inferior quality, but still they should have been full milk, and that is where the imposition comes in.

4635. Has any prosecution taken place?—Our inspector of markets heard of these shipments, and he had his men employed for a considerable time endeavouring to find out where they were being used; but he was not very successful in getting detections.

4636. In Glasgow?—In Glasgow.

4637. There have been several prosecutions, have there not, on margarine?—Yes.

4638. Have they not been contradictory in their result?—In this filled cheese do you mean?

4639. Yes?—Not to any great extent. One of our sheriffs has had the cases before him, and he refuses to convict upon the evidence.

4640. What was his ground for refusing to convict?—His ground was that the Margarine Act says that if any manufactured article is being improved with anything that is not injurious to health it is not a contravention of the Act.

4641. What is the decision by the other sheriff; he has convicted, has he not?—Yes, he has convicted; there has been one conviction, I think, by the other sheriff, who held that it was adulteration. So that the law does not seem to be very clear upon the point when we find two sheriffs disagreeing.

4642. Has there been no appeal to any superior court?—None; our inspectors will not now touch cheese.

4643. Would you suggest any remedy for that state of things. What would be your view as to which of the sheriffs was right?—I think the one who refused to convict was right as the law stands.

4644. You think that he was right according to the Act?—Yes.

4645. Would you alter the Act?—I do not see any necessity for altering the Act. What I would do is to say that nothing should be put into the cheese that is unwholesome or not fit for food.

4646. But so long as the ingredients were fit for food for the people you would allow anything to be put into the cheese if it was wholesome?—Yes. Skimmed milk will not be used for cheese unless it is improved; people will not eat it simply.

4647. And there is a large importation, you say, that comes into the country from America?—Yes, I think mostly into the Liverpool market; not so much into Glasgow.

4648. Is the importation of this filled cheese on the increase?—I am not sure that it is. I think that if our Government is active it might be stopped altogether, and stopped on the other side; not at the port of Liverpool or any other port in this country, but stopped abroad.

4649. But you would only recommend the stoppage of cheese which was unwholesome as food?—Cheese that are not declared what they are I would stop.

4650. You would stop all of it?—Yes; I may mention to the Committee that much of the cheese that was sent in to the Glasgow market I know was sold as full-milk cheese, and guaranteed as such by the seller; and that was a false guarantee entirely.

4651. Was any action taken upon that by anybody?—It never had been detected by anybody.

4652. Not till too late?—No, not till too late.

4653. Has that been going on for some time?—This last past winter particularly I have had my attention drawn to it more than in past times.

4654. Could you attach blame to the inspectors in that matter?—No, I cannot.

4655. Had they been more wideawake could they have discovered that it was going on, do you think?—The inspectors never think it their duty

Sir *Mark Stewart*—continued.

duty to look at cheese being landed; it is only when they find it in retailers' shops that they consider it their duty to interfere.

4656. Do you consider that some instructions should be sent to the inspectors to examine the cargoes as landed?—Yes, I think that if foreign governments send goods with an incorrect description to this country, and are not sufficiently alert to prevent their being sent, our own inspectors should see at the port of landing that those goods are not put upon the public.

4657. But your strong point is that the governments ought to be made responsible for what is being sent from their countries?—I have a strong opinion with regard to that, and it would be to the advantage of the foreign countries themselves, because they are anxious to send as much produce to this country as possible in the interests of their own countries, and if they keep up a good name they will be able to send more, of course. I believe that Denmark is doing a very excellent trade now in butter, simply because they are very particular there not to allow any inferior butter to be manufactured.

4658. Then your remarks apply equally to butter and cheese?—Equally to butter and cheese.

4659. From all governments?—From all governments. Indeed, it is held that butter can be adulterated to a small extent, and cannot be detected by the analyst. If that is so, the only place at which it can be detected is where it is manufactured; and I think that the foreign governments should be responsible in that respect.

4660. But in your knowledge not a great amount of bad butter does come over?—I do not know of it; we never have it.

4661. And you have a large trade in butter?—Yes, but we confine ourselves altogether to Australian butter and Danish butter.

4662. And you have not much Irish butter at this time?—At this time we do not get it. Irish butter is going much out of favour in Ireland; and the reason is that they have never improved the make in Ireland, they have been neglectful. There is no country better qualified in the world to make butter than Ireland if the makers would be careful; but there is no progress in the making of it, and now the inferior butter that used to sell when it came to the English and Scotch market will not be taken now by the consumer, on account of margarine being sold; because margarine is a much superior article to inferior Irish butter.

4663. If I understand you aright (I want to be explicit on this point) you would not only make it obligatory on foreign governments to give a certificate in regard to the purity of the article or the composition of the article, but also to name the ingredients used?—Yes, that should be done both at home and abroad, to name the ingredients, and if articles are imported here they should not be allowed to be sold until they are inspected, without that guarantee.

4664. Now I should like to ask you a general question: Do you think it would be to the benefit of the farmers, the producers of cheese and butter in this country, if the sale of margarine and this skim milk cheese were stopped?—

Sir *Mark Stewart*—continued.

I think not; I do not think it would affect the farmers at all were it stopped now.

4665. Would you give your reasons for that opinion?—My reason is that there is now such a supply coming from foreign markets that the effect upon this market by stopping the manufacture of those articles would never be felt. We could now be supplied with foreign cheese and butter to such an extent that we could almost do entirely without the home supply.

4666. Then it is practically the refuse of the milk which is used up in this oleine cheese, is it not?—Yes, the skim milk, which is a good nourishing part of the milk.

4667. Then, in your opinion, it is a benefit to the farmers at that particular season of the year?—A benefit to the farmers, and also a benefit, I think, to the working-classes.

4668. But do you not think it reduces the prices of the best cheese?—No. If that milk, that residuary product, is not allowed to be made into cheese, of course those factories for making butter will simply require to stop the trade and the farmer would require to manufacture the article himself, and of course he could not manufacture the butter unless he was finding a market for his skim milk.

4669. But you do not think that because the customer can buy very fair eating cheese at 4*d.* and 5*d.* a lb., skim milk cheese, that induces him to buy the cheaper, and to pass over the better class of cheese?—I do not think so; I think that those who have plenty of money will always buy the better article.

4670. Even amongst the working-classes?—Yes, the working-classes are very particular; it is only those that are scarce of money that are not.

4671. Have you any other suggestions to make; I think those are all the questions that occur to me to ask you?—No. My principal point in the matter is with regard to the importation of the article. I have mentioned to the Committee that some steps should be taken to prevent filled cheese coming from foreign countries without its being known that they are filled cheese.

4672. And your view is that we are very helpless at the present moment?—Very helpless in this country.

4673. However anxious and earnest the wholesale importer may be, he cannot get rid of the liability he is subject to?—No, of being imposed upon; he is quite liable to be imposed upon.

4674. Would that apply to the condensed milk?—It would; it should apply to all products of milk.

Mr. *Whiteley.*

4675. Is the difference in the taste between filled cheese and whole milk cheese detectable easily?—No; if filled cheese are properly made the flavour of them is quite as good as that of full milk cheese.

4676. The flavour is equal to full milk cheese?—They are quite as well flavoured.

4677. Do you think that they are as nourishing?—Yes, quite as nourishing. And the analysts who have tested them say that they are,

Mr. *Whiteley*—continued.

and I have no doubt they are myself. The nourishing part of cheese is the caseine, not the fat.

4678. Then, when you buy a whole milk cheese instead of a filled cheese, do you get nothing superior in any way?—You have a feeling that you are getting the genuine article; but so far as the nourishment of the article is concerned I believe a pound of filled cheese would nourish a person as well as a pound of full milk cheese.

4679. In fact, they pay 4*d.* or 5*d.* a lb. for the feeling that they are getting an English cheese?—Yes, and to please the taste. No one likes very well to eat what is not genuine.

4680. Do you think that it would be possible for a foreign government to guarantee the cheese and butter that comes to this country, or to supervise the production of that cheese and butter, so as to be able to give a guarantee?—If they were willing, I do not see any difficulty in the matter. We do find that foreign governments put themselves to a good deal of trouble to induce the importations of various articles to this country. They give bounties, for instance, on sugar and some of those things, to encourage the importation.

4681. That is true; but is not the giving of a bounty on sugar rather a different thing from a sufficient supervision of the manufacture of either butter or cheese, to be able to guarantee it?—Not much. If they found that the cheese would not be received into this country unless it had a government stamp or guarantee on it, they would set themselves about to have it done. I believe we should have a great difficulty in compelling the governments to do that; but the pressure that you could put upon the governments would be by refusing to receive the articles here; and that is a pressure that we could put upon them.

4682. With regard to Australian butter, I suppose there is an increase in the importation of it yearly?—Yes, it is much larger this year, and it is likely to be larger next year. It is going to lower.

4683. And that, I suppose, is likely still further to lower the price of butter here?—It is going to lower the value of butters on this market very much in future years; that is to say, if it pays the Australians to make it; but at the present prices it must be a very poor paying transaction for farmers in Australia.

4684. What is the Australian butter sold at by the retailers?—At the present time about 10*d.* a lb. At the beginning of this season it was being retailed at 1*s.* a lb.

Mr. *Whiteley*—continued.

4685. How does that compare with the best English butter?—I think it is quite as good; the body of the butter is quite as good as any English butter or any butter I know. The flavour wants a little in newness. A new made butter got as soon as possible from the churn is almost the most palatable and best-flavoured article.

4686. So far as you know, you say that this Australian butter has never been condemned on analysis by any inspector or analyst?—Never; and I believe it to be thoroughly genuine.

Mr. *Colston.*

4687. Is there any bounty on Australian butter?—There is.

4688. Do you know the amount?—I do not know the amount; it depends upon the price it realises here. If it realises a good price here the bounty is increased; but I believe when it fetches a low price the bounty disappears.

4689. Do you think that the suggestion as to the absence of newness, to which you referred, can be got over?—No.

4690. That is a very important point, is it not?—It is a very important point, a point that must always exist with regard to butter that has been kept some while after being made. You cannot possibly keep butter any length of time without some loss of flavour.

4691. I think you told us with regard to Australian and New Zealand cheese, that it was somewhat below the home made cheese?—Yes.

4692. Is that due to its inferiority of make, or is it affected by the length of the journey?—The cheese do not suffer by the journey, I think, but the quality is not quite so fine as the home-made cheese; they want the richness of texture, and altogether people prefer the home-made article as a rule. It is very good cheese that comes from New Zealand, and always genuine I believe. No filled cheese comes from New Zealand.

Sir *Mark Stewart.*

4693. Do you think that the home production will keep up its value in spite of the foreign competition?—I think not; I think the foreign competition must reduce the value of home cheese.

4694. Considerably?—When I was first in the cheese trade there was a duty of 10*s.* a cwt. upon cheese, and if that was reimposed then we might have some chance of keeping up the price; but unless that is done, I do not see but what the foreign trade must reduce the price.

Mr. JOSEPH STORRS FRY, called in; and Examined.

Chairman.

4695. I THINK you belong to the large firm of J. S. Fry and Sons, of Bristol and London, cocoa manufacturers?—That is so. I am senior member of the firm.

4696. And I believe your firm have been in that business for more than a century?—For

Chairman—continued.

upwards of a century, upwards of 120 years, I suppose.

4697. Do you sell many different qualities of cocoa?—We sell a large variety; I think almost every kind that is generally known to the public.

4698. And

Chairman—continued.

4698. And in the last few years the consumption of cocoa has gone up considerably, has it not?—It has largely increased. The weight on which duty has been paid for consumption in the United Kingdom has risen from 8,300,000 lbs., 20 years ago, to 22,000,000 odd lbs. last year.

4699. Is that the manufactured article made from cocoa nibs?—The figures which I have given are the figures of the raw cocoa imported; not the manufactured article.

4700. The figures you have given are of the cocoa imported?—Yes, the raw cocoa upon which duty has been paid on importation.

4701. It is not used as nibs in any large quantities, is it?—Only to a very small extent; there is a small demand for it.

4702. But it is used in its manufactured form?—Almost entirely so.

4703. Will you tell us something about the process of manufacture?—The beans, as we receive them, are in the first place roasted over coke fires, something in the same way as coffee is roasted. They are then crushed, and the husk, the outside skin of the bean, is separated by winnowing.

4704. Is that what used to be called shell cocoa?—Yes, that is used to some extent in Ireland for common drinking cocoa, and is sold for other purposes; I believe for cattle feeding. Then the kernel which remains, after the winnowing, is ground through millstones and reduced to a paste. That paste contains, of course, the whole of the ingredients of the kernel of the bean.

4705. Is there any moisture added to it to make it a paste?—No. The heat and friction of the millstone are sufficient to reduce it to a smooth paste, perhaps about the consistency of treacle. Then that paste may be dealt with in two ways. It may be either combined with sugar and arrowroot or other similar substances, so that the oil (of which the natural cocoa contains a large quantity) may be absorbed by the arrowroot or other farinaceous substance, and the article is then ground into a powder for convenience of use. The other process is that by which a large part of the oil (of which the bean contains about 50 per cent.) is extracted by hydraulic pressure. The oil, or butter as it is called sometimes, is largely used in the manufacture of chocolate confectionery, and to some extent also in pharmacy. The remainder, which is a somewhat dry powder, forms what is usually known as "pure cocoa" in commerce, "cocoa extract," "cocoa essence," and articles of that kind.

4706. Is that pure cocoa or cocoa essence largely sold for domestic use?—It is to a very considerable extent.

4707. Does it make a palatable article for drink?—It does.

4708. Without any addition?—Quite so; but in use, of course, sugar and milk are usually added.

4709. But by itself it makes a palatable drink without the addition of sugar and milk?—Yes.

4710. But, as I understand, the ordinary cocoa of commerce is an article that does not consist of pure cocoa, but of cocoa with certain other matters added to it?—Cocoas of other descriptions,

Chairman—continued.

to which I have referred, consist mainly of pure cocoa, to which arrowroot or some farinaceous substance and sugar have been added for the sake of rendering it more soluble and absorbing the oil.

4711. And does that article, when made for use, differ very widely from pure cocoa or cocoa essence, to which milk and sugar have been added?—The article prepared in the manner I have described containing arrowroot gives a very much thicker drink than pure cocoa, and having sugar added it does not require the addition of so much sugar afterwards. And I consider that the arrowroot or other farinaceous substance employed, to some extent, takes the place of milk, so that it renders the article capable of being used by those to whom milk is not very accessible.

4712. And it is, I presume, the more popular article of the two?—In our experience the sale of that description of cocoa is larger. I am not able to say what are the figures of the whole trade, because other manufacturers are in the trade as well as ourselves.

4713. You think that the sugar and arrowroot are not only used for the sake of making the taste of the article pleasant but are useful as nutritious additions?—I consider that they are so.

4714. And the addition of those articles in the manufactured product does not in your view in any way constitute adulteration?—I regard it simply as a mode of preparing the cocoa for use in that particular way.

4715. And it is not so made, I presume, for the sake of getting an additional profit?—As a rule, the manufacturer would prefer to sell pure cocoa if he had a market for it.

4716. That is to say, what you have described as powdered cocoa or cocoa essence would be the article on which more profit would be obtained?—As a rule, that is the case.

4717. Have you any specimens of those various forms of cocoa to show us?—I have. *That* is the cocoa bean as we receive it (*handing in a small bottle of the same*). *That* is the cocoa nib, the kernel crushed, without the husk (*handing in a small bottle of the same*).

Sir *Mark Stewart.*

4718. This cocoa bean is very hard, I suppose?—Yes, it grows in large pods on the tree, and has already undergone a process of fermentation in the country where it is produced.

4719. Where does it come from?—From a great many countries; from the West India Islands, from South America, both the Atlantic and Pacific Coasts, and now from Ceylon and Java also. *That* probably is Trinidad cocoa. That cocoa is roasted (*handing in a small bottle of the same*); that is the first process, and *that* is the husk or shell separated by winnowing (*handing in a small bottle of the same*). *That* is the cocoa ground without any addition (*handing in a small bottle of the same*). *That* is a specimen of cocoa prepared with arrowroot and refined sugar, in addition to the pure cocoa (*handing in a small bottle of the same*).

Chairman.

4720. Is the amount of sugar added very large?—It varies very materially in the different preparations; I should say about 25 per cent. in the sample now produced.

4721. And how much arrowroot is added?—In such descriptions as I have handed in, I should think there is about 25 per cent. of each; 50 per cent. of mixture altogether.

4722. So that, roughly speaking, in the specimen that you have given us, there is 50 per cent. of ground cocoa nibs, 25 per cent. of arrowroot, and 25 per cent. of sugar?—That is, roughly speaking, the case.

4723. Do you think it is rendered more digestible as an article of food by having the arrowroot and sugar with it?—I think it is; it is preferred by many persons.

4724. And there is no hurtful ingredient added to it?—Not the slightest; the ingredients are absolutely pure of their kind.

4725. Then you think that the question between mixed and unmixed cocoa is not one of adulteration or of honesty, but simply a question of public demand and convenience?—That is the view I take. We make both descriptions; they are sold side by side in the shop, and the public take their choice.

4726. Is there any complaint made by the public that they do not receive a pure article?—I do not remember any instance in which a consumer or customer of ours has complained of being deceived or misled in buying any one of the articles that I have described.

4727. Do you put any label on your article to indicate how it is composed?—We put distinctive labels describing the various kinds, "homeopathic cocoa," "pearl cocoa," and various names; and in the case of cocoa mixed, as I have described, we add a distinct declaration that it contains other ingredients besides cocoa.

4728. That is to say, that if you use arrowroot or other starch as an addition, you put on the label, "This cocoa contains a mixture of starch and cocoa"?—We do not; we simply say it is a mixture. We guarantee the wholesomeness and purity, but we do not describe the particular ingredients.

4729. Would you have any objection to putting that on the labels?—We do not see any necessity for it, or think that it is reasonable that we should be required to do so; we think we should be entitled to credit for skill in the selection.

4730. In fact you look upon it as a process of manufacture, in order to render the article suitable to the public taste, and that it is in no way injurious to the public that this mixture should take place?—That is our view; and we think that when it is labelled with our name and sanction the public buy it on the credit of our firm.

4731. Have there been any prosecutions, that you are aware of, in which convictions have been obtained for selling these mixtures?—There have been some where a grocer has not acted in conformity with the Act; that is to say, where he has sold loose cocoa and omitted to place the label we furnish him with in the parcel. But there have been no cases in which an information has succeeded before the magistrates in the case of cocoa labelled as I have described,

Chairman—continued.

admitting the mixture, except somewhat recently in Glamorganshire, in which instance we appealed to Quarter Sessions, and from Quarter Sessions to the Court of Queen's Bench, and obtained a decision in our favour. There has been no successful prosecution, therefore.

4732. Will you just briefly describe the particulars of that case to the Committee?—That was a case where the inspector went into a small shop and purchased a packet of our pearl cocoa in the usual way, offering to leave a portion of the cocoa with the shopkeeper, in accordance with the Act. The shopkeeper was then summoned before the magistrates for selling an article which was not in accordance with what was asked for; and it was held by the magistrates that the cocoa being mixed in the manner I have described was not properly sold under the description of cocoa, notwithstanding the intimation of the mixture which was distinctly made on the label.

4733. In that case was the shopman selling from a loose specimen or from a packet?—In that case he sold from the packet.

4734. Did he sell a packet containing the label?—The packet, I believe, was not divided.

4735. Did the customer receive his cocoa in a packet containing the label you speak of?—He did; it was a ¼-lb packet; each ¼-lb. packet has a separate label containing the intimation of a mixture.

4736. And in spite of that a conviction was given by the magistrates?—Yes; one ground taken by the prosecution was that the packet before being handed to the customer had been wrapped in an outer paper without any declaration; but that was over-ruled in the Queen's Bench.

4737. And the Court of Queen's Bench quashed the conviction on the ground that the thing was described properly on the label?—Yes, that was so. I have here the judgment of the Court of Queen's Bench. It is quite short.

4738. You might read it, if you please?—The case came before Mr. Justice Mathew and Mr. Justice Cave. Mr. Justice Mathew said:—"It appears to me clear that we must find for the Appellant, and that the conviction was wrong; and one hardly knows how to discuss the points raised without being disrespectful to those who confirmed them. It is seriously contended here that there was no label on this article, that the label was a piece of opaque paper on which nothing was inscribed. The facts are that the article sold is a well-known article manufactured by the same people and in the same way for more than 30 years, and always sold of the same quality. In order to comply with the Sale of Food and Drugs Act, 1875, on the packet which is sold is this label which is set forth in the case. The label in clear terms informs every purchaser that this article is sold as pearl cocoa. That is the name by which it is known, and that 'it contains cocoa combined with other ingredients, the perfect purity and wholesomeness of which are guaranteed in accordance with the Act of Parliament.' That article was purchased, and the vendor took the not unusual course, before submitting it to the man who bought it, of wrapping

it

Chairman—continued.

it up in a bit of paper. It is enough to state the point to indicate what our decision must be. It is absurd to say that there was not sufficient notice by label. The other suggestion is that there was fraud, that there was evidence before the magistrates on which they ought to have convicted of fraud, and they have set out all the facts in their case. There is not the slightest evidence of intention to defraud on the part of anybody, and the only thing is the article is mixed, and there is no statement as to the extent to which foreign ingredients are mixed." (I think I ought to say that that is a somewhat lower description of the mixed article than the one I stated; it shows a larger percentage of the other ingredients.) "The ingredients are admitted to be quite wholesome. If that article had turned out to be not in accordance with the representation, one could understand it; but, as the label is as it is, there is no evidence of any fraudulent intention. The appeal must be allowed, with costs." And Mr. Justice Cave said: "I am of the same opinion. The two questions we are asked are—first, whether the notice given to the respondent is sufficient under Section 8 of the Sale of Food and Drugs Act, 1875. I am of opinion the judgment of my brother Mathew is right." (I remember the wording of the label was read in the court distinctly by the judge.) "And the second question is whether the admixture of the foreign matters was made fraudulently to increase the bulk. I suppose they mean to ask us whether the evidence would satisfy reasonable men that the admixture of foreign matters was made fraudulently. I say certainly not; there is no evidence to lead reasonable men to come to that conclusion."

4739. There have, however, been convictions, have there not, where the retailer has omitted to fix a label?—Small fines have been in some cases imposed.

4740. Have you any of those labels here?—Yes (*handing in the same*).

4741. On these labels are the words which you read in the course of reading the judgment "contains cocoa combined with other ingredients"?—This is the particular article that was before the court (*handing in a quarter-pound packet of "Pearl Cocoa."*)

4742. Will you read the label at the end of that to the Committee?—The wording at the end of the label is this: "Contains cocoa combined with other ingredients, the perfect purity and wholesomeness of which are guaranteed in accordance with Act of Parliament."

4743. I think you have told me before that you do not state on these labels the proportion of the ingredients?—We do not.

4744. You think that to do so would be of no use to the purchaser?—We do not see that it would be of any practical value. The value of the article depends not merely upon the proportion of the ingredients, but upon their quality, specially upon the quality of the cocoa used, which could not be explained.

4745. Do not some of your varieties of cocoa contain different proportions of these ingredients?—They do.

Chairman—continued.

4746. Is there any indication to the customer, except the price of the article, as to the proportion of cocoa?—Not in the wording of the label; but the character of the different qualities is well known to the purchasers; and the variations in the price indicate the quality they are buying.

4747. So that the cheaper the cocoa is the smaller is the proportion of real cocoa essence in it; is that so?—As a rule.

4748. So that there would be an easy way of fraudulent dealing by increasing the proportion of these other ingredients?—It might be the case, but it is not so in our case.

4749. I am not of course suggesting for a moment that it is the case with an eminent firm like yours; I am only pointing out the possibility of fraud?—I am not prepared to defend everything which might possibly be done.

4750. Do you think it would be inadvisable to put upon these labels the proportions of the different ingredients?—I think we ought not to be required to do so. It is the result of our own experience and judgment, and I do not see any reason why we should be required to do so more than the vendors of all kinds of articles that are sold for food.

4751. But are you aware that a suggestion has been made with reference to coffee and chicory, that the proportions should be placed on the packages?—That stands rather on a different footing; but I do not myself see the need of doing it in that case. But coffee and chicory are generally mixed by the grocer, and therefore the public have not the same guarantee that they have with regard to cocoa, which is almost entirely made by leading manufacturers.

4752. With regard to the analyses that are made of these different samples of cocoa, they differ, I believe, occasionally?—They do, considerably.

4753. Can you explain why there should be such a difference between analyses of the same cocoa?—I suppose it may be from want of accuracy on the part of the analysts in some cases. I am not finding fault with them, but the analyses that we have had given us are seldom absolutely accurate; still I would not complain. As a rule, they give a fair view of the contents of the article. I am not speaking now of the Somerset House analysts, but of the local analysts.

4754. But you object to their habit of describing the addition that you make to the cocoa as starch?—I do. I think it is unreasonable to call arrowroot starch, and it produces a prejudice in the minds of the public.

4755. The public do not recognise that it is used in a scientific sense?—They do not. They look upon it as washing starch; and in the same way we might call gelatine used for making blancmange and jelly glue, which would not be of course a very appetising expression to use.

4756. In defending a case of this kind in the case of prosecution, you think that when a label has been used, the burden of proving that the admixture is injurious to health, ought to rest with the prosecution?—I think it should do so.

Chairman—continued.

4757. Do the magistrates generally take that view?—The case has not very often been raised. In some cases what seems an unreasonable argument has been used, that sugar, for instance, in some special way affects the constitution in diabetes, and is injurious, and that, therefore, the presence of sugar or what is chemically starch might be injurious. We think that that is not a reasonable ground to take. We do not manufacture an article for exceptional conditions of health, but for the ordinary use of the public.

4758. And those comparatively few people suffering from a disease of that kind ought not, you think, to be specially considered by the arrangements?—We prepare a great deal of cocoa without either sugar or starch, and we think they can obtain it under the advice of their medical men.

4759. Do you supply a warranty with your cocoa?—We regard the description on the article together with our invoices as a warranty. In a few cases we are called upon to give a distinct warranty with regard to the pure cocoa. We do so if required, but very few of our customers require it.

4760. Do you think that the defence by warranty should be taken away?—I think it stands very well as it is.

4761. And if it were taken away do you think that there would be more litigation?—There might be, because the retailer might then come and bring an action against the manufacturer or wholesale dealer for damages; it might lead to more litigation. I do not see the benefit that would result from an alteration in that respect.

4762. But you would suggest, I think, that in cases of articles done up in a packet by the manufacturer and sold in that packet, the prosecution should be directed against the manufacturer rather than against the retailer?—We should be quite willing to take any responsibility so far as regards the quality of the article in the packet and the proper description of it on the label. We cannot, of course, be responsible for what may pass between the retailer and his customer verbally; we could not be responsible for that. At the same time it is our wish to take as far as possible the whole responsibility for those articles and to relieve the retailer. We think it is an injustice that the retailer should have to bear the brunt of a prosecution with regard to an article of which he has really no knowledge.

4763. For instance, it is an injustice, you think, to a small shopkeeper that when he sells a packet of your cocoa, which contains 25 per cent. or more of arrowroot starch, he should be prosecuted for selling an article which is not pure cocoa?—We think it is so.

4764. And in such a case you would rathe that the prosecution were directed again r yourself?—We should be quite willing to have it so. The only difficulty is that these cases are sometimes complicated by what passes between the grocer and the customer. He might, for instance, say inadvertently, that it was the pure article. Therefore there is some difficulty in absolutely removing the responsibility; but we wish to take it as far as possible.

Chairman—continued.

4765. Do you think that it would be well to have a warranty in a statutory form?—I think it would be convenient to have a statutory form of warranty.

4766. Have you anything to say about chocolate?—What we usually term chocolate is the article pure cocoa, combined generally with sugar and formed into cakes, either for eating or drinking.

4767. And is practically the same cocoa that you sell as cocoa, and combined with the same materials in varying quantities?—The raw cocoa is the basis of all preparations, both for chocolate and cocoa.

4768. Is there any chemical difference between the chocolate and the cocoa?—The word chocolate, as you are aware, is now applied very largely to confectionery, made with larger or smaller proportions of chocolate, and of course articles of that kind may contain various ingredients and flavours; but speaking of the simple forms of chocolate they are almost identical with cocoa in their chemical composition.

4769. Have you anything else that you wish to put before the Committee with regard to your evidence generally?—I think that I have gone over all the points that have occurred to me as being of importance. I think it should be borne in mind that the word "cocoa" has been now popularly used to describe the preparations of which I have been speaking, and is used both for pure preparations and also for mixed preparations; and in the general usage it does not mean the article in its original state, but in its prepared form. And although in compliance with the Act, or at least for safety, we make the declaration with regard to mixed cocoa, I do not think it is absolutely necessary that such declaration should be made even under the existing Act, although we have no objection to make it. Further, the word "cocoa" was used to describe prepared cocoas mixed with arrowroot and sugar long before the pure cocoa, which is now largely manufactured, was introduced to the public. The word "cocoa," therefore, really attaches to the old preparation quite as much as to the newer one.

4770. The original article prepared from the beans of this tree was the mixed article such as you have described?—That was the case. There may have been some preparations without the mixture, but as a rule the preparations known as cocoa were of the kind I have described.

4771. And afterwards the introduction to the market of the essence of cocoa and other articles containing comparatively pure cocoa powder, was subsequent to the establishment practically of the trade?—Yes; we have manufactured mixed cocoa for about 60 years. The form of pure cocoa that we have been speaking of was introduced, I suppose, about 30 years ago, or something of that kind.

4772. Then when Members of the House of Commons drink cocoa nibs, do they obtain the pure article, do you know; is that what is commercially known as the pure article?—It would be almost impossible to adulterate cocoa nibs; it would

Chairman—continued.

would require a great deal of ingenuity. There is very little risk of admixture in that case.

4773. Then cocoa made from cocoa nibs is prepared by boiling, is it?—Yes; but that is a wasteful manner of using cocoa, of course, because you merely get the infusion after very long boiling.

4774. This cocoa nibs, I suppose, is the purest form of cocoa?—Yes, that is absolutely pure. It is not pure in the sense of containing everything that the cocoa originally contained, but it contains nothing but cocoa.

4775. What is the next purest form of cocoa?—It is possible to have the nib ground into a paste and to use it as chocolate without any addition or subtraction, but it is not a convenient form, because the presence of so much oil makes the chocolate very difficult to use; it does not dissolve easily.

Mr. *Frye.*

4776. And it would not be palatable without sugar, would it?—No, you must have sugar.

Chairman.

4777. Then the other terms, "cocoa essence" and "cocoatina," which are terms of commerce, refer to compounds containing larger or smaller proportions of pure cocoa?—I think the articles you refer to consist of the cocoa nib ground with a large portion of the oil extracted.

4778. Can you tell us which is the purest ordinary form of cocoa in your own business, say; what is the brand called?—"Pure concentrated cocoa" (*handing in a small bottle of the same*), and also "cocoa extract," of which you already have a specimen. These are equally free from added sugar or farinaceous matter. The former is treated by a special process.

Sir *Mark Stewart.*

4779. Is this pure concentrated cocoa very expensive?—It is not very dear. That (*handing in the same*) is a ¼-lb. tin, which I suppose is sold for about 9*d.* It is much more expensive than the prepared cocoas.

Mr. *Frye.*

4780. The cocoa fat is extracted by means of hot machinery, is it not?—No, by hydraulic pressure. The chocolate is placed in canvas bags, the hydraulic pressure is applied, and the oil escapes. We do not extract the whole of the oil. Chemically, cocoa contains about 50 per cent.; we extract about 33 per cent. The whole cannot be extracted without a chemical process.

Chairman.

4781. I think that the extraction of the oil of cocoa has been a comparatively modern innovation, has it not?—Comparatively so; it has sprung up within my own experience. When I first knew the trade we did not express it.

4782. It was first introduced by the French, I think?—I think we heard of it first in France.

4783. Was it used there for the purpose of making the finer forms of chocolate?—I think it was used for obtaining the cocoa-butter, of which I have a sample here (*handing in the same*), which is used in confectionery.

Chairman—continued.

Mr. *Frye.*

4784. Or in chocolate creams?—Yes.

Chairman.

4785. Is there anything else that you wish to add?—I do not remember anything.

Mr. *Frye.*

4786. I think I understood you to say that you do not suggest any amendment of the present Sale of Food and Drugs Act at all; you think it answers very well?—We do not urge any amendment. I made a few suggestions just now in detail, but we think, upon the whole, it works well.

4787. Is it your experience that the retailers who are principally annoyed are the smaller ones?—Yes; we find that cases arise in out-of-the-way places in small shops, where people are not, perhaps, quite on their guard in serving.

4788. But if they are summoned for selling any of your cocoas, especially those packed, you are always ready to defend a good case?—Yes, we are; we invariably offer to give any assistance.

4789. And with all the number of mixtures that you sell, some you sell as cheap as 6*d.* a lb., do you not; I mean to say it is sold to the public at that price?—The cheapest packet cocoa that is widely sold is the pearl cocoa, which, I suppose, is sold at about 8*d.* I suppose sometimes competition drives it rather below that. There are some cheaper forms sold loose.

4790. And the poorer public like it, and get a very cheap and good article?—Yes; but I think we find that the tendency is rather towards a superior class of cocoa.

4791. Then there is an immense trade you said just now which has sprung up in chocolate confectionery?—That is a very large trade.

4792. Is that mostly in chocolate creams and sweets of every kind?—Yes.

4793. And that is a very growing trade, and a very wholesome form of confectionery, is it not?—We think it is extremely wholesome. Children are very fond of it, and I believe it suits them very well.

4794. Those forms of chocolate are not labelled, of course, at all?—No; articles sold as chocolate are not considered to require any declaration of admixture.

Mr. *Colman.*

4795. What is about the difference in value in the cocoa bean in its raw state per hundredweight; in other words, what is the lowest quality of the cocoa bean worth, and what is the highest quality worth?—Well, it differs at different times according to the state of the market. The more expensive kind of cocoa would, I suppose, be worth at the present time 80*s.* or 90*s.* per cwt. in bond, to which nearly 10*s.* is to be added for duty.

4796. And the lower qualities?—The lower qualities would be sold now as low as between 40*s.* and 50*s.* for some descriptions; but that is rather exceptionally cheap just now. Then the duty added to that would bring it to something like 6*d.* a pound.

Mr. *Colman*—continued.

4797. To put it in another form, your contention would be that stating the proportions of cocoa and other ingredients would not give any reliable data as to the precise cost or value?—That is our contention.

4798. You used a phrase in one part of your evidence, you said something about the inspectors going into small shops. Do you think they are in the habit of going more into the small shops than they are into the larger and better establishments?—I can only say that most of the cases which have come under our notice have been in small shops.

4799. Although the large shops sell a mixed cocoa just the same as the smaller shops?—That is so; but I have no right to say that the inspectors omit the large shops.

4800. Have you had experience of cases in which you think the inspectors have rather declined to see or to take the label on your packages of cocoa?—We have suspected that to be the case.

4801. Would you have any objection to its being stated in any future Act that the retailer should be permitted to decline to sell except in the manufacturer's package?—I think that that would be a good provision, so far as I can judge.

4802. If you take the case of a ¼-lb. tin, and an inspector asks for that to be broken into three parts, you think it would be perfectly legitimate for the grocer to say, "I will not break it for you, I will simply sell it you in the packet with the manufacturer's label"?—I should approve of such a provision myself.

4803. That would put the responsibility still more upon the manufacturer?—Yes, it would.

4804. There has been also a suggestion thrown out that instead of the present plan of dividing a package into three parts, it should be divided into four parts, so that one part is reserved for the manufacturer himself. Do you think that that would be an improvement?—I think it would. I should have no objection to that; I think it would be an improvement.

4805. I see that when you gave evidence before a former Committee you felt strongly that an oral statement as to mixtures would not be satisfactory, and I suppose that your experience since then strongly confirms that?—Decidedly. We consider that an oral declaration is a matter of practical impossibility, particularly in a large business where a rush of trade is going on on Saturday night; it would be utterly impossible to hold a conversation with a person as to the character of each packet sold.

4806. Have you anything to say as to the question of the prosecution of the manufacturer?—I imagine that under the present Act an inspector might take samples from our works or our warehouse.

4807. You would have no objection to his doing so?—We should have no objection to his doing that in the state we send them out to customers with the labels affixed.

4808. But he must not inspect your factory or take the article until it is prepared for sale?—With that condition we should think it very reasonable, and we should have no objection to it.

Mr. *Colman*—continued.

4809. Do you not think, generally speaking, that the Act of 24 years ago has made a material difference to the sale of pure cocoa as compared with mixed cocoa?—I should not think that it has had any great influence. It may, rather, have led to an increased sale of pure cocoa; but I think it is more from the public taste having somewhat run in that direction, and articles of that kind having been very extensively pushed and advertised.

Mr. *Frye.*

4810. And improved in the manufacture?—And improved in the manufacture.

Mr. *Colman.*

4811. Am I right in stating that the Government, in making their chocolate or cocoa, or whatever they call it, do not send out any of it pure?—I am not able to say that they do not. They certainly do combine sugar with their cocoa.

4812. But I believe they do not send out any so-called pure cocoa; it is all mixed with other ingredients?—I think so; the Government Returns, I think, show that it is all mixed with sugar, at least.

4813. And I think you contend that "cocoa," having been in use for so many years, is a fair and proper term, and that the article is a manufactured article as distinct from tea, which is not a manufactured article?—That is our contention. Tea is imported in the state in which it is used; cocoa is not and cannot be used in the state in which it is imported.

4814. Except cocoa nibs?—And even that has to undergo a change.

4815. Is there any great difference in the price of cocoa as compared with the price of sugar?—Yes, sugar is of course a cheaper article.

4816. Is that case which you referred to as going to the Court of Queen's Bench the only case, so far as you know, which has gone up to the High Court of Justice?—It is the only case that we have had. I think that other manufacturers have had some cases; perhaps they will speak to them when they appear before you.

4817. As a rule, when you have defended cases for your customers you have won them before the local benches?—Yes.

4818. Have you recovered any costs for defending them?—I think not; very little, if any. We did in the appeal to the Court of Queen's Bench. I do not remember our recovering costs in any other case.

4819. The costs do not follow the event?—No.

Sir *Mark Stewart.*

4820. Have you any other sample of your manufacture?—I have a pure concentrated cocoa prepared by a special process (*handing in a sample of the same*).

4821. Is that cocoa a mixture, or is it pure?—It is pure. That undergoes a special treatment, but it is not mixed with arrowroot or sugar, or anything of that kind.

4822. Has it got all the oil in it?—No, it has not got all the oil in it; it has had about 33 per cent. out of 50 per cent. extracted.

4823. But there is no sugar or starch in it?—Nothing

Sir *Mark Stewart*—continued.

Nothing of that kind has been added. It undergoes a special treatment.

4824. What do you call that?—"Pure concentrated soluble cocoa." If I may refer to a former witness, Mr. Bannister, of Somerset House, gave evidence with regard to the preparation of that particular kind of cocoa: and I should like to confirm, so far as I understand his evidence, what he said with regard to that. To be quite explicit, it has been alleged that concentrated cocoa and other cocoas made by what is popularly known as the Dutch process, contain a certain amount of alkali; but our contention is that at any rate without going into the process by which the cocoa is prepared (which we do not think we should be required to explain), it does not, as we sell it, contain any free alkali; indeed, it cannot do so; and upon analysis the only difference between that cocoa and the "cocoa extract" would be a slight addition of under two per cent. to the ash, but that addition consists of substances which are already found to exist in the pure cocoa without any treatment whatever; therefore there is no addition of anything which is not also found in the pure cocoa itself. You will find about two per cent. more ash in that cocoa than in the cocoa extract I showed you in the tin.

4825. Which is the purest; is that as pure as the cocoa nibs?—Unless you regard the two per cent. of ash as adulteration. Popularly speaking it is quite as pure, and in fact is rather a superior article. This is prepared from a special kind of cocoa, and the treatment it undergoes certainly makes it more soluble in water, and we consider it is also more easily digested.

Mr. *Whiteley.*

4826. The only question I want to ask you is: How many qualities of mixed cocoa do you sell?—There is a very long list. I suppose nearly 50 or 60 different varieties.

4827. What is to prevent a dishonest retailer from handing a lower quality to the purchaser than the one which he has been accustomed to use and pay for?—If the purchaser buys it, as we wish he always should do, in our own package, he would recognise the difference in the package. The same quality of cocoa is always put up in the same package and labelled in the same manner. We do not put two varieties in such a package as that produced just now. That label always contains that identical article.

4828. The various packages of various cocoas represent different methods of preparation according to their gradations?—They have distinctive labels.

4829. Are they of different sizes according to the weight?—They are sold usually in 1 lb., ½ lb., and ¼ lb. packets, and sometimes in smaller packets; but usually not less than ¼ lb.

Mr. *Kilbride.*

4830. You stated that cocoa before being fit for sale has to be prepared in some way or other. Now, without wishing to ascertain any trade secrets which you may have as a manufacturer, would it be correct to say, that in addition to a part of the cocoa-butter being

Mr. *Kilbride*—continued.

pressed out in order to enable you to grind the cocoa, and to reduce it to a state of powder, the cocoa bean before, during, or after, pressing out the fat, undergoes a further treatment, with the object of rendering the cocoa what is called soluble?—I endeavoured to explain that this article, the "pure concentrated soluble cocoa" does undergo a certain treatment; but in the case of "cocoa extract" and many descriptions of pure cocoa, it does not undergo any treatment beyond the roasting of the bean, the separating of the husk, the grinding of the kernel, and the extraction by hydraulic pressure of a portion of the cocoa-butter. After that it is simply ground through a mill to reduce it to a powder; it undergoes no change of character.

4831. I think you said that some of the qualities of cocoa that you sell do undergo a further process?—That particular quality undergoes a special process.

4832. And is that the only one that undergoes a further process?—That is the only one of the whole of the cocoas that undergoes the special process. The mixed cocoas are merely combined, as I have described, with sugar and farinaceous matter.

4833. For the purposes of this latter treatment are a substance or substances necessarily introduced in small amount, quite insignificant as compared with the total weight of the cocoa, which exert a deep influence upon the nature of the article?—With the exception of this particular article which I have endeavoured to describe, so far as I follow your description there is nothing of the kind.

4834. Are these substances correctly described as alkaline?—I have endeavoured to mention that in the cocoa as you have it there, there is not any free alkali.

4835. I do not want you to answer the question if you do not choose; I do not wish to press it; but is it as a matter of fact alkali that is used in a further process?—I do not think I am called upon to describe the process.

4836. If alkali was left in cocoa it would, of course, change the flavour of the cocoa very much, and consequently the taste of the article would be ruined, would it not?—No, I am not prepared to say that; I do not think it would necessarily be so.

4837. May I assume that whatever substance is added it is not in any way injurious to health?—Yes.

4838. Or you would not think of using it?—Certainly. My impression is that that cocoa is really more digestible and more conducive to health than cocoa without treatment.

4839. Is not the mode of treatment you have alluded to known as the Dutch method?—They are similar processes. I cannot say that our process is identical with others; no doubt it is similar.

4840. Is it not a fact that all the cocoas coming from Holland are treated after this fashion?—I believe they are treated in a manner similar to that cocoa which you see there. We do not know the Dutch process except from the result. We have no knowledge of the particular

Mr. *Kilbride*—continued.

methods which the Dutch manufacturers may employ.

4841. It is, I presume, perfectly well known that almost all cocoas now in the market have undergone some treatment of this kind, and no secrecy is made of the fact?—By no means. Only the particular cocoas sold of a particular character have been so treated. The ordinary cocoas which we mix with other ingredients are not treated in that way at all. It is exceptional treatment for that particular class of cocoa.

4842. Is it true that a good deal has been said in advertisements scattered all over the country by a manufacturer who does not adopt the Dutch method of treatment, as to the injury to health accruing from it?—That is so.

4843. In your opinion is such an allegation justifiable?—I do not think it is justifiable.

4844. Or is it simply a matter of trade rivalry?—It does not correspond with my opinion.

4845. Do you think that the manufacturer ought to state on the label that the cocoa has been treated after a certain fashion; that, if it is cocoa produced after any particular method, it ought to be stated on the label by what particular process it is prepared?—I do not see the need of that. It is sold as a manufactured article on the credit and skill of the manufacturer, and I think that is sufficient. I do not see the need of describing, nor do I think it reasonable to call upon the manufacturer or importer to describe, the process.

4846. Do you think a knowledge of the method of manufacture would interfere with the trade?—I think it would be a very undesirable interference.

4847. If it is not necessary in the interest of the consumer, do you think it would not be beneficial to the trade?—I do not think it would be beneficial to the trade. We sell the kind of cocoa you speak of, and other descriptions, and as a rule we recommend that particular description although we are quite as much interested in other kinds.

4848. Is not the consumption of cocoa constantly increasing?—So it appears to me.

4849. Does not it appear from that that the public appreciate cocoa?—We regard it so.

4850. Do you think that the public are a pretty good judge of the best article?—We should not find the public very easy to mislead even if we wished to do so.

4851. With regard to mixed cocoas, do you think that all cocoas which consist largely of sugar and starch ought to be described by a distinctive name say "Chocolate Powder," it being understood that chocolate is a mixture?—My own view is that it would be misleading to call it chocolate, because in the public mind the word "chocolate" is connected with other and different kinds of goods, cake chocolate, or confectionery chocolate. I think it would be misleading. And with regard to mixed cocoas the public idea is that chocolate is rather a superior quality to the commoner kinds of cocoa. They would infer, if it were labelled "chocolate," that it was really rather of a superior quality to what they would obtain under the description of "cocoa."

Mr. *Kilbride*—continued.

4852. Do you not think that it is somewhat misleading to the public to sell them an article which contains refined sugar and arrowroot as well as cocoa, and is described as "Caracas Cocoa"?—I do not think so; cocoa of that description has been known for many years by that name.

4853. Do you not think that name is misleading to the ordinary public?—I do not think so; we never have had any reason to think so.

4854. Do you not think that an ordinary man going into a shop, when he sees that thing in canisters and sees the name "Caracas," thinks that it is the name of the country that the cocoa comes from; is not that what strikes him more naturally than that it has 25 per cent. of ingredients?—It is the name of the country from which one ingredient is imported.

4855. Do you not think that they think it is the pure article that is being imported?—It has a distinct declaration also that it is not the pure article.

4856. Do you not think it necessary that that intimation should be in exactly the same sized type?—I do not think there is any necessity for that, if it is plainly given. In many cases the labels are small, and there is not very much room to print letters in a large type.

4857. I only ask you the question in the interests of the consumers?—It is quite a fair question; but I do not see the need of any alteration, myself.

4858. You do not think that describing these mixtures after this fashion is misleading the public?—I think not. I think I mentioned just now that, so far as my memory goes, we never have had any single complaint of its being so from any consumer or from any customer.

Sir *Mark Stewart.*

4859. Is the alkali which is found in the cocoa in any way injurious to health or to the human system?—My contention is that there is no alkali, in the form of alkali, or free alkali in the cocoa I have described.

4860. I thought you said there might be two per cent. perhaps?—That was not free alkali; it was merely the ash.

Mr. *Frye.*

4861. But even if there were any, would it be injurious?—Even if there were free alkali, I do not think it would be injurious.

4862. Would it not be rather beneficial than otherwise?—I do not think it would be injurious; but, as a matter of fact, I am justified in saying that as the result of a careful analysis made by a skilful analyst, the exact proportion of extra ash is 1·88, with absolutely no trace of free alkali. I am merely speaking now of the cocoa as we sell it; I am not describing the process.

Mr. *Kilbride.*

4863. You stated just now, I think, on the suggestion of my honourable friend, that two per cent. of alkali, if it did remain, would be beneficial. Do you mean to say that two per cent. of alkali remaining behind would be an advantage to the digestive organs?—I am not a medical man. I should not think it would be injurious, if

Mr. *Kilbride*—continued.

if you consider for one minute the proportion that there would be in a cup of cocoa, but as a matter of fact it is not there.

4864. But if it were there, how would it be beneficial; that is the suggestion that was made?—It might render the cocoa more soluble. I am not arguing in favour of it, but merely saying that I am not aware that it would be injurious. As I mentioned just now, the constituent elements of the ash are of the same nature as those which already exist in the natural cocoa; therefore, it is only an addition to the substance that already exists in the natural cocoa, although, of course, it exists in a rather larger proportion in this special preparation than it would in the natural cocoa.

Mr. *Colman.*

4865. Just one question touching the suggestion of selling the goods or the manufacturer's package: do you, as a matter of fact, sell all your cocoas in small packages as well as large ones?—We sell some of our cocoas in seven pound and 14 pound canisters or tins, and also some in barrels.

Mr. *Colman*—continued.

4866. Are they also sold in half-pound packets and quarter-pound tins; the same articles?—In some cases we make a different article for selling loose. We do not pack every description of cocoa we sell loose in quarter-pound packets. Generally speaking, it is so; but there are special descriptions which we sell loose in barrels.

4867. Is there not an increasing tendency in these days to sell in small packets from the manufacturer?—That has been the tendency in our experience in most cases; but in coffee-houses, and places of that kind, the people buy a barrel, because it is inconvenient to open a package.

4868. And where it could be sold in those small sizes you would see no objection to its being compulsory that the inspector should take the tin with the manufacturer's label on it?—As a manufacturer, I should prefer that being so.

Mr. Hahnemann Epps, called in; and Examined.

Sir *Mark Stewart.*

4869. You are, I believe, director of James Epps and Co., Limited?—I am.

4870. And chairman of the cocoa sub-section of the London Chamber of Commerce?—Yes.

4871. What is the special advantage of cocoa over tea and coffee as a food, in your opinion?—In my opinion, in addition to supplying a pleasant and exhilarating beverage, it is a nutritive substantial food, the soluble and insoluble portions of the former all becoming parts of the beverage; while with tea and coffee, only those portions which are soluble in hot water are consumed; the greatest part of the whole being rejected as a food.

4872. Therefore, it is more nutritious in your opinion than tea or coffee?—Certainly.

4873. In regard to the manufacture, why has cocoa to be manufactured or prepared while tea and coffee have not?—For the reason which I have mentioned, namely, that the whole of the cocoa is consumed; the cocoa nibs which, when boiled, would yield only a fatty infusion, have to be made soluble or capable of minute subdivision in boiling water, so that the whole of the cocoa nib may be drunk.

4874. I should like to ask you this question: Would you say what methods have been used with this object, and when did they originate?—The nibs are ground to a paste, and then one of three methods is employed to sub-divide and incorporate, or to regulate, the constituents of the cocoa, particularly the fat, of which there is usually 50 per cent. present in the nibs. The older method, pursued by almost all our manufacturers still, is that by which, as I have read in Mr. Bannister's Cantor Lecture, the difficulty was overcome by the Mexicans some 300 years ago; namely, by adding to the cocoa sugar and arrowroot, which they did in those early days to make the cocoa more serviceable as a food, and better suited to the general requirements as a beverage. The second and third methods, introduced into this country from 20 to 30 years ago, consist in removing in one case a large proportion of the fat, and in the other, in addition to doing so, in treating the cocoa chemically with potash, soda or ammonia.

Sir *Mark Stewart*—continued.

4875. What was the object in removing a large proportion of the fat?—That is to suit some tastes where the cocoa, without the removal of the fat, might be a little too substantial for them.

Mr. *Frye.*

4876. Too much food and too little drink?—Yes.

Sir *Mark Stewart.*

4877. And in regard to the potash, soda, and ammonia, was that used with the same object in treating the cocoa with those ingredients?—I can only give my own opinion with regard to that. We do not pursue that method at all; we should have an objection to using that method.

4878. Would it, in your opinion, be injurious to the human system to treat it chemically with potash, soda, or ammonia?—That is a matter of opinion, and more for a professional opinion perhaps than my own; but I should be disposed to agree with the opinion advanced by a well-known man, Dr. Sydney Ringer, now, I believe, of Oxford University, who holds that the added alkalies directly hinder digestion and impair the nutrition of the body, and I think he goes on to say that it might be likened to adding alkali to fat, and so forming soap.

Mr. *Frye.*

4879. I suppose there is a great difference of opinion with regard to that?—Yes, there is a great difference of opinion; I am stating that as my opinion. We do not use that method at all.

Sir *Mark Stewart.*

4880. Then the first two methods are used by you?—The first two methods are used by us.

Sir *Mark Stewart*—continued.

4881. And they are found to be most suitable and appreciated by the public?—Certainly.

4882. Is it, in your opinion, a correct description to give of cocoa, as treated by either of those methods, to call it pure cocoa?—No, it is not, in my opinion. Cocoa, treated by the first of these methods, should always be given some name especially describing its nature, as "prepared," "soluble," or some other such description; and in no instance, as a matter of fact, is it given the name of "pure," it being well known as a mixed cocoa. Cocoa, treated by the second and third methods, should not either be named "pure," in my opinion, for the cocoa has been deprived of its predominant constituent, the fat. And in the same way milk that has been deprived of its cream cannot properly be named pure; while in the third method a chemical substance has actually been added to the extent of from 2 to 4 per cent. Pure cocoa is the cocoa nibs, whole or ground, without addition or abstraction.

4883. Then you consider that there is no other cocoa that you can label "pure" except cocoa nibs?—Cocoa nibs, or cocoa nibs ground to a paste, in both of which forms we supply it when asked for.

4884. Is there much demand for cocoa nibs ground to a paste?—Very little.

4885. Do you, as a manufacturer seeking for the best result, absolutely disapprove of the third method?—Certainly. My firm have considered the matter on many occasions, and have deliberately refused to employ either of the alkali processes. Many of the foreign modes of treatment now followed absolutely destroy the characteristic aroma and flavour of the cocoa, inventive energy seeming to be vainly spent on the effort to make cocoa more digestible than it naturally is, obnoxious chemicals being used to produce a residue of less certain value, in my opinion.

4886. Is there much foreign cocoa imported into this country?—I have not the returns of last year. The last return I have, through the Chamber of Commerce, shows that in 1889 the imported manufactured cocoa represents 10 per cent. of what the Customs' duties on raw cocoa were.

4887. You have no returns since 1889?—No; I did not think you were going to ask me that.

4888. Is it within your knowledge that the importations of foreign cocoa have enormously increased since that time?—I think I might say that they have greatly increased.

4889. Where does that cocoa come from mostly?—That is a mere matter of inference; I imagine from Holland.

4890. Chiefly?—Yes.

4891. Do you consider the retention of the whole body of the cocoa-butter desirable in cocoa sold to the public?—Yes, for the great mass of the public at least; and the retention of all the cocoa-butter adds, indeed, to the intrinsic value of the cocoa, for if removed it would sell at double the rate of the raw cocoa used.

4892. By cocoa-butter did you mean the cocoa-oil?—Yes; I think Mr. Fry gave you a sample of it. I have not a sample of it here.

4893. Mr. Fry produced one?—Yes. I find I have a sample here (*handing in the same*).

4894. Have you anything further to say as to the retention of the whole body of the cocoa-butter being desirable in cocoa sold to the public?—In the "United States Bulletin" on Food and Food Adulterants in 1892 (which I have here), published by authority of the Secretary of Agriculture, it said (p. 936) that "the fat or cocoa-butter, in consequence of its quantity and peculiar exellence, is unquestionably the contituent of the cocoa-bean possessing the highest food value. Having a pleasing taste and odour, and showing but little tendency to become rancid. Its melting point being below the temperature of the body insures its being presented in liquid form to the action of the digestive juices." That is an extract from that work.

4895. If you remove this cocoa butter, then, I presume, it is very valuable?—Cocoa-butter at present sells for quite twice the cost of raw cocoa of average quality.

4896. What is the cocoa-butter chiefly used for?—It is principally used in fancy chocolate; chocolate creams particularly.

Mr. *Frye.*

4897. There are immense quantities of this cocoa-butter put up every week to auction, are there not?—Yes, tons of it.

Sir *Mark Stewart.*

4898. Can you give some reason for the large demand for cocoa prepared by the first method which you described, namely, by adding sugar and arrowroot?—It has been often said that one pound of cocoa furnishes as much nutriment as several pounds of beef, and also that the worker who takes cocoa with its contained fat intact needs much less animal food, particularly in cold weather, when so many are hard pressed for suitable food.

4899. Are the working classes great consumers of cocoa?—Yes, they are, and almost exclusively of the prepared or soluble kinds. It would, in my opinion, be unwise to place restrictions on the supply of good preparations of cocoa that retain all the constituents of cocoa intact, which are economical in use, and to which the people are accustomed. It is well-known that in the Royal Navy, since 1822, the sailors and marines (numbering now 70,000) have been daily supplied with Government-made prepared cocoa, composed of about 50 per cent. of cocoa and 50 per cent. of sugar and arrowroot; and Admiral Field, M.P., has lately given his opinion that such a diet for such hard-working men cannot be improved upon.

4900. Where is the Government manufactory?—At Deptford. It is referred to in the Blue Book of a former Committee in their Report; they recognised the manufacture then as being a standard one.

4901. And is it exclusively a Government factory?—Exclusively a Government factory. That, I may say, is in addition to the home consumption registered by the Customs duties, as of course they do not pay duty there.

4902. Arising out of that matter, have you any note to make; do you concur in that view, that it is very nutritious?—Certainly.

4903. And in regard to the mixture of 50 per cent.

Sir *Mark Stewart*—continued.

cent. of sugar and arrowroot, is it within your knowledge that is what is usually supplied, or is it a poorer variety that is supplied by the Government?—As a matter of fact, we only manufacture one quality of each of the kinds of cocoa; the admixed, the essence kind, and chocolate. We manufacture one quality, and only one quality; so that I have no experience of other than what I presume to think the best qualities.

4904. But my question, perhaps, did not come within your knowledge; what do the Government chiefly turn out of this factory; do they turn out a mixed quality?—Only a mixed, according to my information.

4905. What should guide the manufacturer in arranging the proportions of the ingredients of prepared or soluble cocoa?—As cocoa is very rich with fat, which would, if left free, float in great drops on the surface of the breakfast cup, the manufacturer has to consider what is the actual quantity of sugar and arrowroot required to incorporate with the rich cocoa, and furnish readily a smooth and agreeable drink. There can be easily estimated what is the maximum admixture necessary for the richer growths of cocoa, and just so much as is necessary should be used.

4906. Does your firm declare what ingredients are used in their preparation of cocoa?—Yes; every cocoa label has the following declaration printed in capital letters in two places. Perhaps it would be more convenient if I pass in one of our packets, which will exactly show it you.

4907. You had better just answer the question first, and then hand in the specimen?—Shall I read the declaration?

4908. Yes, if you please?—"This preparation contains cocoa combined with loaf sugar and West India arrowroot; we guarantee that no other ingredients are used. By this admixture the highly nutritious butter or oil contained in the natural cocoa is made soluble or miscible, and easy of digestion." *This* is a ½-lb. packet of our "prepared cocoa," which bears that label (*handing in the same*).

4909. Do you mark the price of the cocoa upon that packet?—No.

4910. That is left to the retailer?—That is a matter for the retail dealer.

4911. Then are you in favour of the ingredients being stated?—We have always named them.

4912. Do you always put in the same ingredients?—Always the same.

4913. You do not state the quantities that you put in?—No, we do not state the proportions.

4914. Would you object to do that?—I do not think we should object. We are ready to agree to certain standards so far as our own work is concerned. I am merely speaking for myself, of course.

4915. Then you do not think you would object to state the proportions?—I cannot say that we should not object, because we think that the ingenuity of the manufacturer in getting a certain peculiar result in a certain way should be protected so far as the public weal would allow; and, therefore, I do not think we should desire that the proportions should be stated. There might be, if I might suggest, a maximum fixed for certain qualities.

Sir *Mark Stewart*—continued.

4916. Then I understand that you would decline to state the exact proportions, but you would not mind stating a certain standard for the guidance of the public?—I think that such a provision, after careful consideration, might, if adopted, be practicable.

4917. Is this packet of "prepared cocoa" your best brand of cocoa?—That is the only cocoa we make that is admixed, but that is "prepared."

4918. Do you make no other sort of cocoa than this?—Yes, we do.

4919. What do you term this, just "prepared cocoa"?—That is prepared cocoa.

4920. Is that what is called homœopathic cocoa?—We do not call any homœopathic; there is no such thing, that I am aware of.

Mr. *Frye*.

4921. But it is known as your homœopathic cocoa?—We do not call it so.

4922. It is called so, at any rate?—We have never called it so. Here are the only things we make—one quality of each (*handing in the following samples: a, prepared cocoa; b, solidified cocoa nibs, unsweetened; c, chocolate, made from the richest cocoa nibs and refined sugar, flavoured with vanilla; d, Epps' chocolate sticks, fine vanilla; e, Epps' cocoaine or cocoa-nib extract, tea like*).

4923. What is Epps' cocoaine or cocoa-nib extract; may I take it that that is the purest form of cocoa?—That is cocoa nib with two-thirds of the fat pressed out, and the residue reduced to a fine powder, and no other ingredient.

4924. And nothing added?—Nothing added; nothing whatever.

4925. Then *this* is chocolate?—*That* is chocolate.

4926. What is *this*, chocolate sticks?—That is eating chocolate.

4927. And what is the solidified cocoa nibs?—That is the cocoa nib pure and simple ground to a paste, with nothing added and nothing abstracted.

4928. Has it to be used in the same way as the other?—No; that would be the same as the chocolate. It is unsweetened chocolate; that is what it really is.

4929. And *this*, chocolate, is the same thing with the fat extracted, is it?—No; there is no fat extracted there.

4930. But it has sugar added?—Yes.

4931. And is flavoured with vanilla?—And vanilla flavoured.

Sir *Mark Stewart*.

4932. Are the ingredients you use the best for the purpose?—Yes, in my opinion. West India (or Maranta) arrowroot is a most delicate food, which is often ordered by physicians for their patients on emerging from serious illness; and by the use of refined sugar, which is an undoubtedly valuable food, a smaller proportion of the

Sir *Mark Stewart*—continued.

the arrowroot is needed for thoroughly incorporating the cocoa butter.

4933. Is the proportion of admixture necessarily always the same?—Perhaps not, different manufacturers having varying opinions and objects in view. My firm, however, who make but one quality of prepared cocoa, always follow the same recipe.

4934. You never alter?—We never alter at all.

4935. In all these different articles?—We do not alter our recipe in any way.

4936. Are other ingredients than those named used by the trade?—Yes; for some preparations that are sold much cheaper than ours, sugar and fecula of a lower cost price are used, and often in larger proportions than we use.

4937. Do these samples of yours vary much in price; a case of this prepared cocoa, for instance, and the cocoaine?—The prepared cocoa, by competition among retailers, is sold as low as 1*s.* 2*d.* a lb.; in fact, sometimes a little below that; the cocoaine, or cocoa-nib extract, is sold for 2*s.* 8*d.* a lb.

Mr. *Frye.*

4938. One is the pure cocoa and the other is prepared cocoa?—The one is prepared by admixture that is sold for 1*s.* 2*d.* The cocoaine, or cocoa-nib extract, with the oil taken out, is sold for 2*s.* 8*d.* a lb.

Sir *Mark Stewart.*

4939. I ask you this: I do not know whether you have answered it fully; whether other ingredients are used by the trade?—Yes, for the cheaper qualities sugar and some other fecula of a lower cost price is used.

4940. What do you call fecula?—Farina, a form of starch, we call it, in chemists' language.

4941. But you cannot give us any special information upon the point?—We have no personal experience upon the point. We know that the Deptford Government-made cocoa is declared to contain 25 per cent. of sugar, 25 per cent. of sago flour, and 50 per cent. of cocoa; so that we are quite ready to accept that as a very suitable form of admixture as adopted by the Government.

4942. How, in your opinion, should manufactured cocoa be labelled or described?—It should be known and labelled by names which make known its nature, such as "Epps' cocoa," "prepared cocoa," or "soluble cocoa," &c., for the first method of manufacture; "cocoa extract," "cocoa essence," &c. for the second; and such as "Dutch," &c. for the third. In addition, the ingredients added (including alkali if used) should in my opinion be specified on the label, which should then (as now is the case) be considered a sufficient declaration by the seller.

4943. And you think that that would be sufficient to prevent it being sold for what it is not?—I think that it would be sufficient. That declaration should be sufficient. We have found our label sufficient on all but two occasions during the past 20 years; and on those two occasions country justices have taken the view of its being insufficient; but the conviction has on each occasion been quashed on appeal, and we have obtained costs.

Sir *Mark Stewart*—continued.

4944. Are those the only two cases that you have had in court for 20 years?—Yes; those are the only two cases. The mistakes of those justices arose from the misleading description of the ingredients given by the analysts in their certificates, the starch being supposed by those magistrates to be common or washing starch. In the case of Attfield *v.* Tyler, heard in the High Court of Justice, Queen's Bench Division, 2nd June 1893, the justices stated that they would not have fined the appellant if the analyst had stated that the ingredient used was arrowroot and not starch.

4945. Do you hold that an analyst should specify what starch is used?—Decidedly. If he is competent he can distinguish between the varieties. I am a microscopist, and have constantly identified the various starches on the principles followed by Dr. Hassall in his work, "Food and its Adulterations."

4946. I suppose there is a very great difference in starch, is there not?—Certainly.

4947. And it would alter the price very considerably, would it not, if a good starch was used rather than a bad one?—It might, though the proportion is small; it would not make so very much difference.

4948. Does your firm supply any other kinds of manufactured cocoa than what we have seen?—Only those kinds that I have placed before you.

4949. How do you distinguish cocoa from chocolate?—Cocoa, as understood by the masses during more than 75 years, is a preparation in powder of cocoa, sugar, and some kind of arrowroot, ready for use by pouring on boiling water without boiling afterwards, which possesses all the nutritive constituents of the raw cocoa (including the whole of the cocoa butter) intact, and having only the natural flavour of cocoa. Chocolate in the forms most extensively sold in this country, such as chocolate creams, is a nutritious sweetmeat, generally highly flavoured with vanilla, depending for its value not only on the retention of all the cocoa-butter naturally present, but also on the addition of extra cocoa-butter, so as to render the confection smoother; this extra proportion of cocoa-butter adding to the nutritive value, and being perfectly agreeable and wholesome. Another form of chocolate is in tablets, for a beverage, such as is the one mode of use on the Continent, and highly flavoured with vanilla, cinnamon, &c.; this always requires careful boiling, and the reason for that is that chocolate contains no arrowroot but only cocoa and sugar. In England people would not use chocolate much on account of this extra trouble, but instead choose the various forms of "prepared" or "soluble" cocoas, which do not give any such trouble. It should be noted that the great distinction between this kind of cocoa and chocolate is that in the former only a certain proportion of some kind of arrowroot is present, for in both of them the whole of the cocoa-butter naturally present in cocoa is carefully retained intact.

4950. Is there any other point which you wish to bring before the notice of the Committee?—There seems occasion for calling attention to the fact that what may accurately be called "pure cocoa"

Sir *Mark Stewart*—continued.

cocoa" may yet be unwholesome and not nutritious. The refuse products of the cocoa, that is, the shells, are largely employed, being ground to an impalpable powder, and to a certain extent I am told mixed in and do but swell the bulk of the cocoa, which is still called "pure cocoa," as indeed it strictly is, although it cannot be by all thought to be wholesome. There are processes too offered by chemists (Dutchmen and Germans) by which it is claimed that inferior cocoa can be used in making "Pure Cocoa Essence." Of such aims and methods I cannot approve.

4951. Where is that inferior cocoa chiefly manufactured?—I have seen cocoa of that kind for sale in this country.

4952. Is there any manufacture of it in this country?—I have no information as to where it is made.

Mr. *Frye.*

4953. Is not the greater quantity of these cocoa shells used for food for cattle?—I should not think so, very little.

Sir *Mark Stewart.*

4954. What becomes of it usually?—It is mostly shipped to Ireland.

Mr. *Frye.*

4955. Exactly, where it is sold for feeding cattle?—No; it is used like tea; people put it into a teapot and infuse it, and take the beverage from it.

4956. I take it that you do not consider that it is necessary to alter the Act at all in any way; or do you make any suggestions in that direction?—We have no objection to raise to the Act at all.

4957. But, of course, with your very large experience of business, a great number of your smaller customers are constantly being summoned for selling as cocoa what is not really cocoa?—Not a great number.

4958. But there have been a good number, have there not?—We have had perhaps a dozen cases in 20 years.

4959. Not more than that?—I think not.

4960. And, of course, you are always prepared to defend your customers if they sell your prepared cocoa in the packets in which you send it out?—We have done so; we have felt bound to do so.

4961. And there has never been a conviction, really, for selling cocoa such as you have now described, has there?—A tradesman has been fined on two occasions; once I believe in 1879, when we carried the case into the old Court of Common Pleas, and the conviction was quashed. That fine was put on by a magistrate who was notorious at the time for fining a little girl for plucking a geranium in a front garden, and sending her to prison; it was the Reverend Mr. Moore, of Spalding, and that conviction was quashed on Appeal in the Court of Common Pleas. And then the case I have already alluded to, in 1893, is the only other one, of Attfield *v.* Tyler, which we carried into the Court of Queen's Bench, before Justices Day and Lawrence, when the conviction was quashed;

Mr. *Frye*—continued.

and we actually obtained costs against the Middlesex County Council.

4962. It has been suggested that when coffee and chicory are mixed together, the quantity of each ingredient should be stated on the label. I understand that you are not quite prepared to go so far as that with regard to cocoa?—I personally do not at once see any objection; but, as I have stated, my opinion is that it would be a little hard on some manufacturers to have to reveal what their trade secrets were. They have discovered some method for making their particular preparations (we only make one ourselves, but other manufacturers have a great number), and I think it would be a little hard that they should have to declare what the exact constituents were.

4963. But I suppose the information could always be obtained by analysis?—It should be so.

4964. Your principal business, of course, is in your "Prepared Cocoa," which has an enormous sale throughout the country; and you maintain, of course, that that is a most useful article of food in the preparation in which it goes to the public?—I think the test of that is that, although we advertise very largely our other preparations, our business is very largely confined to that one preparation.

4965. There have been several witnesses before us who have brought up the point that when these articles, properly labelled, have been wrapped up in a second paper, retailers have been fined because the actual label was not seen by the customer. Would you suggest some alteration of the law as regards that?—I think that was a very unreasonable conviction, and I believe that was the view that the judge on appeal took.

4966. But we have had several cases of that kind in other articles besides cocoa, in butter more particularly?—I think a buyer should exercise sufficient observation not to be deceived by the outer wrapper.

Mr. *Colman.*

4967. How long has this word "cocoaine" been in use?—I may say that we have lately translated it from the original word we called it by. It was introduced some 20 years ago as "cacaoine," adopting the botanical name for cocoa, which is "cacao"; but we found a difficulty experienced by many in pronouncing the word, and we have lately adopted the more homely English word "cocoaine."

4968. How long has it been called cocoaine?—Perhaps two years.

4969. It is a new term?—It is perhaps two years old.

4970. But that is the word which you now adopt?—That is the word we now adopt.

4971. With respect to the prosecutions, you said that you had appealed?—Yes.

4972. Did you appeal to the High Court or to Quarter Sessions?—We appealed to the High Court.

4973. And decisions in both instances have been

Mr. *Colman*—continued.

been given by the High Court in your favour?—Yes.

4974. I suppose that the great bulk of your cocoas are sold in packets?—We sell nothing at all loose; nothing whatever.

4975. Then you would have no objection to the suggestion that the inspectors should be compelled to take it in the manufacturers' packet, would you?—No objection whatever.

4976. You said something about the errors of the analysts; that they made a mistake in calling an ingredient starch when it was really arrow-root?—The local Bench acknowledged that they had been misled by the word.

4977. Have you ever appealed from the local analyst to Somerset House?—No; we have only had two cases arise, therefore we have not had to do so.

4978. What is the percentage of cocoa-butter remaining in cocoa when it goes to the public?—Are you alluding now to cocoaine?

4979. Yes; either to that or to the pure cocoa?—There would be about 10 of the original 50 per cent. of the butter remaining.

4980. Now as regards the extract that you gave from Professor Ringer; do you happen to have that at hand?—I have a cutting from a newspaper; that is all.

4981. Have you seen the book at all from which that cutting was supposed to have been taken?—No; it is a book on therapeutics. My extract is taken from his "Handbook on Therapeutics."

4982. Are you aware that Dr. Ringer has repudiated the inference that has been drawn from that book?—No; I am not aware of that. I have got three cuttings of it from different papers, and therefore I supposed it was a fair quotation.

4983. You are not aware that he has repudiated that, and said that it was a misquotation?—No; I had not heard that.

Mr. *Yerburgh.*

4984. I think I understood you to say that there had been a great increase in the importations of foreign preparations of cocoa?—Yes; that was my impression. I explained that I have no details since 1889 before me here; so that I can only state my opinion that since 1889 there has been a large increase.

4985. But there was a certain amount of importation at that time?—It was about one-tenth in 1889.

4986. Did I rightly understand you to say that in your opinion those foreign cocoas were adulterated?—No, I did not say that.

4987. What opinion did you express about them?—My opinion is that that is a mode of treatment of the cocoa that is injurious to the cocoa, and it has not such a nutritious character and value as cocoas prepared in the two other ways. These foreign cocoas are almost entirely prepared by the Dutch process, of which I do not approve.

Mr. *Yerburgh*—continued.

4988. Are those cocoas sold at a lower price than your cocoas and other English cocoas?—No, the Dutch cocoas are an expensive kind of cocoa.

Mr. *Frye.*

4989. They are a much higher price than yours?—Yes; they are even higher than our cocoaine, which is the equivalent quality.

Mr. *Yerburgh.*

4990. How do you account then for the increased demand for them?—I am only inferring that the demand is increasing; persistent advertising, no doubt, has a great effect.

Mr. *Frye.*

4991. But is it not the fact that the Dutch get a cocoa from one of their colonies that does not come to this country at all, which is a superior article to what we use in this country?—I do not follow that. I do not know of any cocoa grown in Dutch colonies that does not come to London.

4992. Do you get any cocoa, unmanufactured, from Holland at all?—Yes.

4993. Any large quantities?—Surinam cocoa, and Java cocoa sometimes, comes in in several hundred bags at a time.

4994. Is it not the fact that they keep the best there in order to make their manufactured article?—By no means.

4995. I do not know; I have been told that; I only ask you?—By no means.

Mr. *Yerburgh.*

4996. With regard to this particular point, can you account for the taste of the public for this particular cocoa, if it is a cocoa, that is not so nutritious as the others?—I would say that people approaching cocoa for the first time have to be educated into what they consider cocoa. Just as a person drinking wine for the first time would not, at the first trial, like claret; so in the same way with cocoa, a person on first taking cocoa begins with what he supposes to be cocoa, and that is probably his cocoa for the rest of his life; so that with the persistent advertising of Dutch cocoas, no doubt people beginning to use cocoa for the first time try the Dutch cocoa, and it suits them and they like it, because they have not formed any previous opinion on the subject; and in that way a fresh consumption of cocoa by different people arises.

4997. But then, in your opinion, you would not say that these Dutch cocoas were adulterated in any way, would you?—The process, I should say, was deleterious; it takes away the natural flavour and aroma, and spoils the colour of the cocoa.

4998. I take it that from the price of those cocoas they are principally bought by the richer people?—I should think so, certainly.

4999. They do not compete with your lower-priced cocoas?—I should think not.

Wednesday, 15th May 1895.

MEMBERS PRESENT:

Mr. Bolitho.	Mr. Frederick Frye.
Sir Charles Cameron.	Mr. Kearley.
Mr. Colman.	Sir Mark Stewart.
Sir Walter Foster.	Mr. Yerburgh.

SIR WALTER FOSTER, IN THE CHAIR.

Mr. JAMES HUDSON, re-called; and further Examined.

Chairman.

5000. I believe you wish to present yourself for re-examination on a certain point of your evidence?—No; I think it is the desire of the Committee that I should come forward again with regard to the matter. I was written to, to ask if I would come up.

5001. Then you understand that the Committee wish you to come forward with regard to the evidence you gave about the inspectors?—Yes, I understand that.

5002. In that evidence you stated that you could produce proof of corruptibility upon the part of some of those inspectors?—I did, but unfortunately I cannot get anyone of them to come forward. I can quite understand it, because of the position they are placed in. Most of the information I received was from wholesale men who are serving these people, the retailers, with margarine, and from time to time they have heard of these matters, but they dare not come up.

5003. But you were speaking on hearsay evidence, then?—Yes, but very direct.

5004. Quite so; but still you are unable to substantiate it by witnesses?—Yes, they refuse to come up to be heard in public; there are several who would come up if they were heard *in camera.*

5005. I understand also that you do not wish to cast any reflection upon the body of inspectors generally?—Certainly not.

5006. It was only with reference to certain specific instances of which you had heard?—Just so. I said in my evidence when I was here before that I had no doubt (and I have no doubt) that there are very many perfectly honest men among them; but I have had several letters about it, and really my statement is more than ever confirmed, to my mind. I have had several letters of that description (*handing in a letter*).

Chairman—continued.

5007. But from reading it I find that this letter would go to show that the inspectors refuse bribes, and that the traders offer them?—Yes, it only shows that they are offered; I doubt whether every man would refuse.

5008. That is a question of belief in human nature and the general morality of mankind?—Yes.

5009. I have had letters of this kind myself, stating that inspectors are anxious to come forward to show that bribes are offered to them, and that they have refused them?—Yes; I have no doubt that is the case.

5010. But your allegation was that they received them?—Yes.

5011. And that allegation is lacking in specific proof, is it not?—It could be proved if you could hear the evidence in private.

5012. That is to say, the statement that you made you cannot satisfactorily establish to your own satisfaction or to ours?—As to my own satisfaction I do not alter my views one whit.

5013. But that is a matter of opinion?—That is a matter of opinion.

5014. But the full proof is not forthcoming?—No, it has been refused.

Mr. NICHOLAS KILVERT, called in; and Examined.

Chairman.

5015. I think you represent the Manchester Chamber of Commerce?—I do.

5016. You are managing director of N. Kilvert and Sons, Limited, Lard Refiners, Manchester?—I am.

5017. And you have had a long experience in connection with lard refining?—I have.

Chairman—continued.

5018. Extending over 20 years?—Over 20 years.

5019. You are also connected with the Lard Refiners' Association?—I am.

5020. Is that an extensive body?—It comprises, I believe, practically every refiner of American lard in Great Britain and Ireland.

Chairman—continued.

5021. The Manchester Chamber of Commerce, with which you are connected, have passed a resolution, I believe, with reference to lard?—Yes.

5022. Will you give us the terms of that resolution?—"That it ought to be lawful to use 5 per cent. of beef suet stearine in lard for stiffening purposes, for six months, say from the month of April to the month of September."

5023. Do you agree with that resolution?—I should like to qualify it to some extent; I should delete "six months."

5024. On what grounds?—At the time that that resolution was put on the paper by myself, the lard refiners had not been compelled to dispense with the use of beef stearine for the winter months; they had not tried the experiment; they thought that it might be possible to dispense with it during the winter months; but between the time that this resolution was put on the paper last December and the present time, they have discovered that they could not dispense with it, even during the winter months.

5025. Was that on account of the fluid nature of the material they were working?—It was on account of the fluid nature of the lard.

5026. Do you consider the addition of this stearine in limited quantities an adulteration?—I do not in any way, in limited quantities.

5027. What limit would you place upon it?—I would place a limit of 5 per cent.

5028. And no more?—And no more.

5029. In that case you believe it is a non-injurious addition which makes the lard useful for domestic purposes?—I would put it in the form of "I believe," if you like. I would rather say "I know."

5030. You know that as a fact?—Yes, I know it as a fact.

5031. In your opinion, is this addition of beef stearine the means of preventing other adulteration?—I hardly understand how.

5032. Are there any other less valuable additions to lard that would be made if the stearine were left out?—I do not think there is much risk of that at all.

5033. Do you think there is any risk of other things being added if the stearine is added?—I do not think there is at all.

5034. Do you not think that other oils might be added to the lard, if stearine were admitted?—They might be, but they could be so easily detected that I do not think there is any risk of that at all.

5035. You think that the powers of analysis are sufficient to prevent it?—Yes. The only other two oils that might be added would be cotton seed oil or arachide oil, and they are both easily detected, I believe.

5036. And you think that if the law allowed stearine to the extent of 5 per cent. to be added to lard it would not encourage the addition of those oils?—It could not, because put in that form you would have to add very much more than 5 per cent. of stearine if you wanted to add any outside oil.

5037. Is the ground upon which you base your argument for this addition of stearine the character of the American lard, from which most of the refined lard is made?—It is. I have a sample of American lard here (*handing in the same*).

Chairman—continued.

5038. This American lard, then, is of about the consistency of cream, is it not?—Yes.

5039. And in that consistency it is unfit for the market?—It is entirely.

5040. And it requires stiffening?—Yes.

5041. Is there no hog fat by which it could be stiffened?—It might be stiffened by abstracting the oil or adding lard stearine, which is, of course, equivalent to abstracting the oil.

5042. Is there any objection to the addition of lard stearine?—It does not stiffen it nearly so well; it requires about four or five times the quantity, and, as I read it, it is against the spirit and letter of the Act.

5043. How comes it that we and our forefathers had lard made in this country of sufficient consistency to meet the public taste and the public wants, and that we cannot have it in our time?—Do you mean English lard?

5044. Why cannot we have English lard?—There is not sufficient of it produced.

5045. Not sufficient for public consumption?—No.

5046. And, consequently, are obliged to import American lard?—Yes.

5047. And make it as nearly as possible to resemble English lard?—We do not make it to resemble English lard; we simply try to make it in such a condition as to sell.

5048. That is to say, to have the consistency of English lard to which the public are accustomed?—Yes.

5049. Then that is a resemblance?—Yes; but American lard never resembles English lard, when all is said and done.

5050. Why not?—It is different altogether in flavour and smell, and everything.

5051. Is it inferior?—It is a matter of taste; I should not say it was inferior. There is no doubt that English lard does bring a higher price.

5052. Then this peculiar fluidity of American lard is due to the manner in which the pigs are fed, is it not?—Yes.

5053. Has there been any change in the fluidity of it during the last year or so in consequence of the change of food?—No, I do not know that the character of the feeding has changed during the last year or two. During the last few months more wheat has been used, but I do not think it has had any effect on the lard.

5054. That is what I was alluding to. This beef suet stearine that you add is a good natural substance, is it?—It is. I produce a sample (*handing in the same*). It is exactly the same as the beef suet sold by butchers and others. I will give you a sample of lard stearine to compare with that (*handing in the same*).

5055. This lard stearine is much softer than the other?—Very much softer; there is a very much larger proportion of oleine in it. Beef suet stearine contains only 11·89 of oleine, whereas lard stearine contains 56·81 of oleine.

5056. Then you would have to add a larger quantity of lard stearine to effect your purpose than

Chairman—continued.

than you would of beef stearine?—Yes, five times as much.

5057. Would it cost more?—Of course it would, naturally.

5058. Therefore, it is cheaper to add beef stearine, although the beef stearine pound per pound is not cheaper than lard stearine?—It is about the same price; that has been the average of the last 12 months.

5059. It would be possible, would it not, to express the oil from lard generally so as to make it of sufficient consistency to meet the public requirements?—I should think that the sample of lard stearine which I have produced is in itself of about sufficient consistency to meet the public requirements.

5060. Would that be the natural process for making lard without the addition of any foreign substance?—If you wanted to make lard without the addition of anything but the fat of the hog, that would be so.

5061. Would it be much dearer?—In weather like this you would get at the very least out of 112 pounds of raw lard 56 pounds of oil and 56 pounds of stearine; on a day like Monday you would get more oil and less stearine.

5062. Then that would practically double the price of the lard?—It would certainly advance it very much.

5063. You think, therefore, that in the interests of cheap and harmless and even nutritious food for the people, it is necessary to thicken the lard imported into this country by beef stearine in order to meet the market wants?—I do.

5064. The trade would not consider it an adulteration, would they, or the magistrates, probably, if you were to take away this oil from lard in order to thicken it?—I do not think the trade would bother their heads about it, because they sell, say, Kilvert's lard on its own reputation; I should not like to say what the magistrates would think, because my experience of magistrates is varied.

5065. Their decisions vary?—Very much.

5066. Has any evidence been brought forward in any cases that you are acquainted with in which it has been contended that this addition to lard is injurious?—I have watched the cases under the Sale of Food and Drugs Act very closely, and I cannot remember a single instance where a witness was brought forward to state that adding beef stearine was in any way deleterious or injurious.

5067. You would not add mutton stearine?—No, I would not.

5068. Why?—Mutton fat does not keep; we have to guarantee lard practically to keep for years if necessary, and it has been proved, not by our experience but by the experience of others, that mutton fat does not keep; it may be all right for lard for immediate consumption; it would be quite as good probably for that as beef suet stearine.

5069. Then, in spite of the fact that prosecutions have been made for small percentages of stearine in lard, you contend that that is not really the spirit of the Act?—I do contend that.

Chairman—continued.

5070. Can you quote any part of the Act to justify that view of yours?—I contend that by Clause 6, sub-section 1, of the Sale of Food and Drugs Act, we are entitled to add (I am quoting the words of the Act): "any matter or ingredient not injurious to health, because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food, or conceal the inferior quality of the same."

5071. Those words, you think, cover the addition of a substance like stearine?—I contend that they ought to cover it. It appears to me that whoever drafted the Act must have looked forward to the use of beef stearine, because I think it covers our case exactly.

5072. And you think that the sale of such an article is in no way to the prejudice of the customer?—I cannot see how it is in any way to the prejudice of the customer.

5073. Do not the analysts say that you could stiffen this American lard equally well by the addition of lard stearine?—They do.

5074. Have you anything to say with regard to that opinion?—I say that if the price of lard oil were to advance above the price of lard, so that we could get a profit by abstracting the oil, in all probability we should have the analysts objecting to the abstraction of the oil on the ground that we were taking out the better part of the lard; because I contend that the oil, so long as it is kept together in a condition to sell, is the very essence and nature of the lard itself; the very best portion of it, almost equivalent to the cream of milk.

5075. And you would contend that the addition of stearine simply enables you to keep together the best parts of the lard for the benefit of the public?—That is so exactly.

5076. Have you anything to say about Section 9 of the Sale of Food and Drugs Act, which you think supports your view?—Section 9 of the sale of Food and Drugs Act says: "No person shall, with intent that the same may be sold in its altered state, without notice, abstract from an article of food any part of it so as to injuriously affect its quality, substance or nature."

5077. So that according to that section you think that adding lard stearine is opposed to the spirit of the Act?—I do indeed.

5078. And are there only two methods actually known to the trade for the stiffening of lard?—There are no other methods known, so far as I am aware.

5079. And of those two both are in the interests of cheap and good food, you think?—I contend that we ought to adopt that of the beef suet stearine. I do not consider that the analysts ought to adjudicate upon the question by deciding which method we should use. I consider the method adopted ought to be adopted with a view to the interests of the public.

Mr. *Frye.*

5080. The public get the article much cheaper?—They do.

Chairman.

5081. Then you think, in addition to that, that there are fewer impurities in beef stearine than there are in lard stearine?—Yes; I have had samples of beef suet stearine and lard stearine analysed, and I find that while lard stearine contained 3·57 of impurities beef suet stearine only contains 1·03 of impurities.

5082. What do you mean by impurities?—Probably dirt; there may be some volatile matters given off in the analysis which cannot be detected; but I think it is probably dirt. I think if you look at the sample of lard stearine which I have handed in, you will see that although it is white it is a very dirty colour; you can see the dirt in it.

5083. Then, another point in favour of beef stearine is that its melting point is higher, is it not?—The melting point of beef suet stearine is about 54 degrees centigrade, while that of lard stearine is about 44 degrees centigrade.

5084. Then, of course, in hot weather beef stearine is of great advantage to the maker in respect to the consistency of the article?—Yes.

5085. Did your own personal experience in the summers of 1893 and 1894 lead you to certain opinions on this point?—Yes. During the summer of 1893, when the use of these small percentages of beef stearine was not prohibited, we and other refiners used from 3 to 5 per cent. of beef suit stearine, and gave complete satisfaction to our customers; in fact, so far as my own experience is concerned, I do not think we had one single complaint from customers as to the lard not being in a condition to expose for sale on the counter and to sell. But in 1894, when owing to the prosecutions we had to discontinue its use, not only ourselves but other refiners in the association had hundreds of complaints from customers who could not understand how it was that the lard which had given such satisfaction in previous years, in 1894 failed to give satisfaction at all because the lard was soft, and being soft, it affected the colour to a certain extent; it does not look so white and opaque when it is soft as it does when it is hard.

5086. Did I correctly understand you that at the present time you do not use beef stearine?—We do not.

5087. You simply use lard stearine?—Yes.

5088. In order to avoid prosecutions?—Yes.

5089. But you think that on that account the article is damaged?—I am quite sure of it.

5090. Is lard dearer in consequence of that action on your part?—No, lard is now almost at its rock bottom.

5091. Then the price of the article has not gone up in consequence of having to use lard stearine?—No; lard, like everything else, is very low at the present time.

5092. So that you think the condition of the market has enabled you to sell at the same price or lower?—Yes, the market price of lard varies from day to day, so that you could hardly make it any criterion.

5093. But you said just now that you thought if you had to use lard stearine it would add to the price?—Yes, it would, undoubtedly.

Mr. *Kearley.*

5094. The price of the day, you mean?—Yes. We cannot make any comparison from that point of view, because at this time last year it might have been 10*s.*, 15*s.*, or 20*s.* higher than to-day; I mean the market price for raw material; therefore, you can make no comparison as to what the price might have been to-day had we been using beef stearine.

Mr. *Frye.*

5095. Bacon, of course, is cheaper now than ever?—Yes.

Mr. *Kearley.*

5096. And the price of lard is governed by the visible supply of hogs?—Yes.

Chairman.

5097. However, the fact remains that your having to go back to the use of lard stearine has not increased the price of lard?—I would not say that at all.

5098. You cannot say that?—I know that it has. I know that we have to get a larger margin to-day between the cost of the raw material and the cost of the refined material.

5099. Then you would say that if you had gone on using beef stearine you would have been able to sell lard to-day cheaper than you are selling it?—Although when I left Manchester we were not using what we call our full summer quantity of stearine, I know that our price was fully one shilling higher than it would have been if we could have used beef stearine.

5100. Then you say that analysts rather object to this addition of beef stearine?—They do.

5101. On what ground, do you know?—They say that it is very difficult to detect the presence of beef suet stearine in lard, and for that reason they object to the use of a small per centage being legalised.

5102. Do they also say that the public do not get what they purchase?—They do not say that the public is prejudiced, but that they do not get what they ask for. They say that it is not of the nature and quality of the article demanded; that is the way they put it in their certificates.

5103. And what is your answer to that view?—I say that analysts who know their business have no great difficulty in detecting the presence of beef suet stearine, and estimating its proportion; and as regards the public not getting what they want, I contend that the public gets what it has been accustomed to, what it requires for its purposes, and that it is not prejudiced either pecuniarily or in any other way.

5104. But you would not like this lard to be sold as a mixture?—That would not do, because there are compounds in the market such as lardine and cotolene, which are sold as mixtures, some of which do not contain even 10 per cent. of lard.

5105. Are they sold as substitutes for lard?—They are sold as either lard compounds or substitutes, or something of that sort; and if we sold our lard as mixed, even with only one or two per cent. of beef stearine, we should be competing with those articles that have practically no lard in their competition at all.

5106. And that you think would be unfair to a good

Chairman—continued.

a good product like yours, as compared with less nutritious products sold under those various names?—Which are nearly all vegetable oil.

5107. You recollect that Mr. Bannister in his evidence was asked a question about the addition of stearine?—Yes, I do. At Question 2885 Mr. Bannister was asked whether in his opinion the use of a moderate quantity of beef suet stearine, say 10 per cent. for the purpose of stiffening lard, was an adulteration; his reply was: "At home in the summer we always used to put a small quantity of mutton suet into lard to keep it hard and make it convenient to work for domestic purposes."

5108. You do not approve of that addition of mutton suet?—No, I think it should be that of beef.

5109. For the reasons that you have already stated?—Yes.

5110. Then you think that this crusade against beef suet stearine was probably in the interests of American manufacturers?—I think it was entirely, and for this reason: that lard stearine is cheaper in America than it is in this country; but beef suet stearine, on the other hand, is cheaper in England than in America; and, therefore, it is to their interest to use lard stearine rather than beef stearine. Most of the beef suet stearine is made on the Continent or in England in the manufacture of margarine, and large quantities of it are imported back from this country into America, showing that it must pay to do it or else it would not be done, and that the American refiners are paying a high price for their beef suet stearine.

5111. And they can get their lard stearine cheaper?—Yes, because it is the place where the lard is produced.

5112. Therefore their trade interests have coincided with their desire to keep up the absolute purity of the lard?—Yes. I do not like the words "absolute purity," of course.

5113. Other things being equal, you think that the industry in England of refining lard is better carried on here for the benefit of the public than in America?—I certainly think so. There are a great many trades dependent on the lard-refining trade; package-making of all descriptions, both tin and wood, cask-making, paper-making, and a great many other trades are all benefited by the lard-refining industry in this country.

Mr. *Frye.*

5114. And pig-breeding, of course?—We never have any English lard, so I always leave that out of my calculations.

Chairman.

5115. You practically use American lard, but you think that the refining of American lard in this country is to the advantage of the industries of this country?—I am sure it is.

5116. And you also think that the freshly refined article here is in better condition for the market then if sent for a long distance?—Yes, I think so; because lard refined in Chicago must travel 1,000 miles by land and 3,000 miles by sea before it gets on to this market. I think it stands to reason that American lard must be fresher when refined in this country.

Chairman—continued.

5117. In spite of the modern means of keeping it fresh?—Yes, because I am not aware that lard is shipped in refrigerators or anything of that sort. American refined lard as shipped from the other side to this country very often loses weight in transit. I was looking over a price list the other day (I do not often see them) and I saw that many London firms sell this American refined lard at shipper's weights; therefore the loss of weight, if there is any, is thrown, of course, upon the small retailers.

5118. That is another argument against it?—Yes.

5119. Now about the Sale of Food and Drugs Act, 1875; there are certain suggestions of the Manchester Chamber of Commerce which you would wish to put before us?—Yes.

5120. Will you please state them to the Committee?—On Section 10 we think that analysts should be paid a larger proportion of their remuneration as an annual salary by the municipalities or other bodies employing them, and a smaller proportion by fees. On Section 14 we think that, instead of the article being divided into three parts, it should be divided into four parts, one of which should be at the disposal of the wholesale vendor, if required, and that the necessary alterations should be made in Sections 14 and 15 resulting from this change. With regard to that, I should just like to mention one instance of the way in which that three-part division works. Not very long ago, in Southport, a co-operative society there had a sample of lard taken, which was analysed and reported to be adulterated. As soon as we were informed of this, we wrote to the manager, and asked him to let us have the third sample. He was under the impression that the third sample had been left for his use, and he sent it to an analyst and got it analysed for his own account, so that we practically were left without any means for our own defence.

Sir *Charles Cameron.*

5121. Had you guaranteed it?—Yes, we guarantee every article.

5122. And was the guarantee claimed?—Yes, it was. I should like to put in our price list with regard to the warranty (*handing in the same*).

Chairman.

5123. On all your articles you attach a written warranty giving full indemnity against articles under the Sale of Food and Drugs Act and the Merchandise Marks Act?—Yes.

5124. And on the invoices to every one who asks for it?—Yes, we do. We have two forms of warranty; that is the simple one on the invoice (*handing in the same*), and that is the one where the customer does not think the one on the invoice sufficient (*handing in the same*).

5125. At the bottom of the invoice you put, "We guarantee the above to be pure lard"?—Yes.

5126. And that invoice is signed by one of your firm?—Yes.

5127. If that is not considered sufficient by the customer you give him this: "All the goods specified and included in this invoice are hereby warranted

Chairman—continued.

warranted pure, and of the nature, substance, and quality thereon described within the meaning of the Sale of Food and Drugs Act, 1875, and all Acts amending the same, and are sold as such"?—That is so.

5128. Then you sign it?—Yes.

5129. So that practically you take the responsibility for the articles which you send out?—Yes, and always have done so.

5130. In Section 22 I think you have certain modifications to suggest?—We suggest that the word "may," in line 3, shall be deleted, and the word "shall" inserted. That deals with the reference to Somerset House.

5131. That is with reference to sending samples to Somerset House?—Yes. And on the same line 3, the deletion of the words "in their discretion." Then in Section 23 we think that seven days should be allowed for giving notice of appeal instead of three days as allowed by the Act. On Section 25, we say that invoices, contract notes, specifications, or equivalent documents, should be accepted as sufficient warranty for articles specified when given in the United Kingdom.

5132. That would do away with the necessity for your giving the second form that you do to a particular customer?—Yes.

5133. Then you think that where a defendant is acquitted his costs should be refunded?—I do.

5134. And you think that in cases of perishable goods the analyses should be completed within a short time?—I do. Even with imperishable goods, Clause 13 is, to my mind, unsatisfactory. It stipulates that the analyst shall analyze samples "with all convenient speed." Now, in a case heard in Wakefield on 23rd February 1894, 81 days had elapsed between the receipt of the sample by Mr. Allen, the public analyst of Sheffield, and his report upon it.

5135. Did any injury arise in that case?—The defendant had great difficulty in tracing the particular batch of lard (it was not our case) from which this lard had been taken; and, as a matter of fact, he was not satisfied in the end, I believe, that the lard really was his. We lard refiners have, to a large extent, to take the word of a customer whether it is our lard or not. A man may deal in four or five brands of lard, and if a sample is taken there is no name on it, so that you have to take the word of the shopkeeper as to whose lard it is; and, if a long time has elapsed, it is difficult to trace whether he had any lard of ours, say, on that particular day.

5136. Then you think that the analyst should state the result of his analysis and not give any opinion upon it?—Yes, I do; I consider that public analysts seldom have the practical commercial experience which alone can make their opinion of any value; and yet magistrates, especially those in rural districts who are not in close touch with trade requirements, often allow themselves to be largely influenced by a technical assertion or suggestion which is commercially impracticable.

5137. Then you think that the analyst on whose report the summons is issued should be present to give evidence if necessary?—Yes.

Chairman—continued.

5138. And that the defendant should not be charged with the costs of that attendance unless he is convicted?—Yes, that is so; we also suggest that the certificate of an analyst for the defence should be placed upon a similar footing of legality in any prosecution to that of the certificate of the prosecuting analyst; we further think that retailers should have the onus put upon them of satisfying the court that they believed the guarantee to be genuine; we think power should be included in the Act to enable proceedings in one court to be transferred to another wherein a stipendiary magistrate sits; and we recommend also that the defendant who relies upon his warranty shall be required to intimate the fact to the local authorities within three days after being informed by them that the sample in question is adulterated.

5139. Will you give us some cases from your own experience of the working of the Act?—I will give you one year's experience of the sale of Food and Drugs Act so far as we are concerned. On the 8th of April 1893 my firm was summoned before the bench at High Wycombe, a sample of our lard having been found to contain half of 1 per cent. of water, by Mr. Cassall, analyst for the prosecution. In the result the case was dismissed. I do not mean to say that the analysis was incorrect, because the analysis was correct enough; but it is a question whether any prosecution should have been instituted for so trifling a proportion of so universal an element as water. I admit, of course, that the water ought not to be there, but in the commercial process water has to be mixed with it continually, and I think it is rather stretching a point when half of 1 per cent. of water is held to be sufficient grounds for a prosecution.

5140. Is there any trade habit of adulterating lard with water?—Not that I am aware of.

5141. Then I think you have another case to mention to us?—On the 2nd November 1893 my firm was summoned before the bench at Mansfield, a sample of our lard having been alleged by Mr. Otto Hehner to contain 15 per cent. of beef stearine and cotton-seed oil. The analysts for the defence were Dr. J. Campbell-Brown, Mr. E. W. T. Jones, and Mr. Cassall. The case was dismissed. On 15th February 1894 my firm was again summoned before the Mansfield Bench, Mr. Otto Hehner alleging that the sample contained 5 per cent. of beef stearine. Mr. Hehner was supported by the evidence of Mr. W. F. E. Stock, analyst for the county of Durham. The analysts for the defence were Messrs. Cassall, Bevan, Jones, Williams, and M'Kerrow; but the magistrates dismissed the case after hearing my evidence and that of our works manager, and without calling upon our analysts. In that case we got 10*l.* allowed for costs.

5142. Have you any other case to mention?—On 5th March 1894 my firm was summoned before the Southport Bench, a sample of our lard being alleged to contain 10 per cent. of foreign fat. Mr. W. J. Orsman was the analyst for the prosecution, and upon pressure he asserted that

Chairman—continued.

that the foreign fat was beef stearine. He was asked what he knew about the analysis of beef stearine, and he admitted that he had only devoted some portion of his time, for about six weeks previous, to tests for beef stearine. The analysts for the defence were Mr. Collingwood Williams and Mr. Norman Tate. The case was dismissed with 5*l.* costs. Now, those are cases of my own personal experience. A few weeks since, at Ripon, a Liverpool firm of the highest standing was summoned upon Mr. T. Allen's certificate alleging adulteration by the addition of 15 per cent. of cotton-seed oil. The third sample was sent to Somerset House, whose certificate caused the eventual dismissal of the case. No costs were allowed; the actual costs incurred in defending the case amounted to 180*l.* Then I have another case, but as I see that was referred to by Mr. Trengrouse the other day I will not trouble you with it. But these four cases which we defended in one year, every one of which was dismissed, and three of which were caused by actual mistakes of the public analyst, cost us 425*l.* to defend, and we got 15*l.* allowed for costs.

5143. But then you had the advantage of the advertisement, had you not?—Yes, but that did not pay me for the trouble and worry.

5144. A judicial decision as to the purity of the articles is surely of value?—It may have had some value; but I think the public, since the Sale of Food and Drugs Act has come in, have had a pretty good experience on that point and did not want more.

Mr. *Frye.*

5145. In this Ripon case, I suppose if a small wholesale firm or a small retailer had been summoned, he probably would not have got those gentlemen down to defend him?—He would have been convicted undoubtedly, because he could not have afforded to have got the public analyst; analysts do not come for nothing, you know, and of course he could not have afforded to have fee'd them.

Mr. *Kearley.*

5146. You mentioned that your firm was summoned; it was not so in all cases?—No, I should say that in no case was our firm summoned, but the retailer was summoned.

Chairman.

5147. And you defended him?—Yes.

Mr. *Frye.*

5148. Do you always defend those cases?—Yes, we do invariably.

Chairman.

5149. Have you anything that you wish to add to the evidence that you have already given?—No; I think you have gone over it very fully. I have nothing more to add, unless some other honourable Member wishes to ask a question.

Mr. *Colman.*

5150. With reference to the question of feeding these hogs in America with wheat, I suppose

Mr. *Colman*—continued.

that has not gone on to any very great extent at present?—No, it is simply because wheat has happened to be exceptionally low during the last four months that they have taken to feeding hogs on it, because it is cheaper than maize or Indian corn.

5151. But, still, the bulk of the food is the Indian corn?—Yes.

5152. You made one remark, that your experience of magistrates was very varied; did you mean by that the magistrates or the analysts?—I meant more so with regard to analysts.

5153. You used the word magistrates, but it struck me that you rather intended analysts?—That was so.

5154. Have you had any experience of the analyses of different country analysts going up to Somerset House?—Yes, I have had one or two cases in my own experience, and the association have had many cases. My experience of Somerset House is that in almost every case their analysis is correct, and that if it had not been for the protection afforded to traders by Somerset House the great bulk of us might have shut our doors long since.

5155. Then you think that the protection of Somerset House should still remain?—I do, most decidedly.

5156. Then you used another phrase about analysts, "analysts who know their business;" rather implying that there were some that were not so experienced or so careful. Is that what you meant to imply?—I can only judge by results, of course. When I see an analyst twice within three months giving a certificate which is grossly wrong, I assume that, so far as lard is concerned at any rate, he does not know his business; and that was the case at Mansfield. One analyst issued two certificates against our lard, in the first instance alleging that there was 15 per cent. of beef suet stearine and cotton-seed oil, and in the second case 5 per cent. of beef suet stearine, both of which were totally wrong. I can come to no other conclusion than that he, at any rate, did not know his business.

5157. Then we must face the fact that there are still up and down the country a certain number of analysts who are not to be relied on thoroughly for their analyses?—That is so, so far as practical analyses are concerned, most decidedly.

5158. Do you see any objection to whatever guarantee that you or other firms may give, going before the analyst when the sample goes?—No, none at all.

5159. Do you think that it would be fairer for the analyst if he were told just what the manufacturer or dealer himself said about his own samples?—I am sure it would, and it would make him more careful.

5160. Then the fourth sample to which you referred should at once be sent to the dealer or manufacturer, you think?—It should at once be sent to the dealer or manufacturer.

5161. You also used the term "stipendiary magistrates"?—Yes.

5162. Do you rather imply that their judgment is more to be relied upon than that of local

Mr. *Colman*—continued.

benches?—I think it is, as regards trade cases. We have had no particular fault to find with the magistrates, except so far as costs are concerned; they always invariably refuse to allow any costs, saying that the prosecution is taken in the public interest. The stipendiary, on the other hand, would probably say, "Then let the public pay for it." I have heard a stipendiary say so.

5163. May we take it that these instances that you have given of the costs you have been put to, and the costs that you have had refused to you, are a sample of what has been going on over a series of years?—I believe so; it is a sample of our experience.

5164. The invoice that you handed in, do I correctly understand, is simply signed?—Signed with a rubber stamp.

5165. Not an actual signature?—No.

5166. And the prosecutions of 1893 and 1894, of which you gave us a narrative, you attribute entirely to a little alteration that you made in the process of manufacture in one year?—As regards the cotton-seed oil, it was entirely, I believe, in consequence of that; they mistook a superabundance of oil for cotton-seed oil.

5167. And although you pleased your customers you were bothered by the analysts?—That is so, as regards beef suet stearine.

Sir *Charles Cameron.*

5168. You told us that you give a warranty on every invoice, but there are a great number of wholesale men who refuse to do that, and do not do it. Do you see any difficulty in bringing home the responsibility to them in case you constitute the invoice a warranty?—I do not see any difficulty at all.

5169. Are the wholesale men in Manchester, outside your own trade, willing to have invoices regarded as warranties?—I do not know a single one who is opposed to it. I was at the meeting of the chamber of commerce when it was brought forward, and there was not a single voice against it.

5170. Take the question of warranties. I saw a case, I cannot tell you exactly where, but some time ago, where a printed warranty regarding vinegar was held not to be a legal warranty within the meaning of the Act, because it was printed and not written. Has that point ever been raised about your warranties?—No; I may be wrong, but I think there has been a decision that a signature need not be written with a pen; but that it is equally valid if impressed with an India-rubber stamp.

5171. This was a vinegar manufacturer that I refer to, who had a warranty of purity on every cask. It was pled, but the court held in that case that under the wording of the Act it must be a written warranty. Perhaps the decision to which you refer has been given since; was it given in the High Court?—Take a stronger case than that; take the case of "Laidlaw *v.* Willson." In that case it was held that the simple words "Kilvert's pure lard" on the invoice constituted a warranty. It was held by the higher courts that that constituted a warranty.

5172. I am told that the signature must be written; but that is an important point; if you can get the case I think it might be well?—"Laidlaw *v.* Willson" is quoted all over the country now. It was held by the Court (Justices Charles and Wright), "That if the document to be relied upon as a written warranty for a defence amount to a warranty in law" (I do not know what that means) "that is enough to entitle the defendant to be discharged under this section, without the word 'warrant' or 'warranty' being expressly stated in the document." Then it gives the reference ("Laidlaw *v.* Willson," *L.R.* 1894; 1 *Q.B.* 74; 63 *L.J.*; *M.C.* 35). But with regard to our invoice, we took counsel's opinion upon it before we adopted it.

5173. Yes, but doctors are not the only people who differ, I understand?—That is so.

5174. You say that you do not deal in English lard at all?—That is so.

5175. There is one difficulty that suggests itself to me: would not a dealer in English lard assert probably that your American lard was inferior, and that he had a right to claim a monopoly in the use of the word lard if he sold an article that was lard and nothing else, and that while you have the right to sell anything you choose, you should be obliged to declare it?—We never attempted to disguise the fact that our lard was American lard, in our advertisements.

5176. I am very anxious to arrive at general principles, because that appears to me to be the way in which a solution must be arrived at. A man may sell coffee and chicory, but he has to declare it a mixture; if mustard is sold with flour, to render it more fit for use and to suit the taste of customers, it also must be declared a mixture; you are aware of that?—Yes.

5177. Is there any particular reason why any admixture with lard should not be declared in the same manner?—It could not possibly be declared, because lard is not sold under a cover, as is coffee and chicory, or mustard, or any of those foods.

5178. But if you, in your advertisements or invoices, stated that it was an admixture with so much percentage of stearine, would there be any objection to declare it?—The declaration would not get to the consumer.

5179. It seems to me that one thing that is wanted badly is definitions, and moveable definitions?—Yes.

5180. You are a large dealer, and you only learnt what "lard" meant, legally speaking, within the last two or three months?—That is so.

5181. Although you had been dealing in lard under the Adulteration Acts for 20 years previously?—Yes.

5182. The same is the case with vinegar, is it not?—I believe so.

5183. And a number of other articles?—Yes.

5184. Would not a great deal of the irritation and discomfort that has resulted from the working of these Acts be avoided if you had some central authority to give definitions from time to time varying with the commercial requirements?—I think

Sir *Charles Cameron*—continued.

—I think it would, provided that the central authority were really a reliable one.

5185. Yes, subject to appeal, if you like, but so as to have a definition thoroughly well understood everywhere?—Yes, I think that would be an advantage. That has crossed my mind, of course, with regard to Somerset House.

5186. I mean by an extension of power, either in regard to Somerset House or some other body also attached to a Government Department?—Yes.

5187. And probably on the responsibility of some Minister?—Yes.

5188. You talked about lardine and cotolene; what are they?—They are made of cotton-seed oil principally. I cannot profess to know what else goes in, but cotton-seed oil is the principal constituent.

5189. You mentioned that these lard prosecutions have been raised largely in the interests of American manufacturers; do the manufacturers of English lard ever intervene in the matter?—No, I am not aware that they ever have. Ourselves and Bancroft's in Liverpool were once prosecuted by the Belfast Produce Association. They endeavoured to make us take our addresses off our packages, but they failed; the case on both occasions was dismissed. That is the only action that has ever been taken against us at all, except under the Sale of Food and Drugs Act.

5190. The Belfast Produce Association, did you say?—I do not know quite what they call themselves. Mr. Burnett, I know, is the president.

5191. I suppose that the British lard trade is largely situated in Ireland; how is that?—I should think in this country Messrs. Harris are about the largest in the trade.

Sir *Mark Stewart.*

5192. Where are they?—In Calne, Wiltshire.

Sir *Charles Cameron.*

5193. There were a number of prosecutions in Hartlepool recently, were there not?—Yes.

5194. Do you know anything about them?—I saw them reported, that was all. Mr. Furness, of Hartlepool, is a refiner of American lard.

5195. Do you remember the details of those cases?—No. There were a great number of them.

5196. The proceedings, I think, were against the lard as containing beef suet stearine?—Yes, in every case, I believe.

5197. That would show that the Americans use beef stearine, would it not?—No. He is an English refiner of American lard, the same as I am.

5198. I thought it was imported lard?—No, it is the raw material that is imported, that is all. The Americans used to adulterate principally with cotton-seed oil, but that was put a stop to years ago.

5199. You talked about a charge of adulteration for half of 1 per cent. of water; is it possible to produce lard without water?—Yes, I quite admit that the water ought not to have been there.

Sir *Charles Cameron*—continued.

5200. Not even ½ per cent.?—Not even ½ per cent.

5201. Do the Americans use lard in the form of the compound in the bottle that you have produced, or do they stiffen it?—I do not know anything of the domestic consumption of lard in the United States at all, but I presume that it must be stiffened. It could hardly be used like that.

5202. When you have these prosecutions against you do you take up the case of the retailer simply as it stands, or do you allow him to plead warranty, and are proceedings taken against you then?—We prefer to defend it in the first instance as the case stands.

5203. Will you explain why?—A case would be dismissed on the warranty, but it would get into the trade papers that such-and-such a man had been prosecuted for selling Kilvert's lard that was found to be adulterated, and so on. In the meantime, before any action could be brought against us on the warranty, we should lie under the stigma of selling an adulterated article; therefore, we would prefer in every case to take them up in the first court.

5204. But I want to arrive at the comparative convenience and efficacy of the two processes; have you been prosecuted under warranties at all?—No; it is more convenient though, very much so.

5205. Will you explain why again?—As I understand, if we are prosecuted under the warranty, we should be prosecuted in the place where the warranty was given. That would be Manchester in our case, and we should incur very much less expense, of course, in defending a case in Manchester than, say, at High Wycombe.

5206. Are prosecutions under warranties ever taken against wholesale men?—Very seldom; not as often as they ought to be.

5207. But you have no experience whatever of them?—No; but we have never relied upon the warranty as a defence.

5208. You know, I think, that those engaged in the administration of the Acts complain that prosecutions under warranty are practically useless or hopeless?—Yes; I agree with them, too.

5209. Then if you constitute the invoice the warranty it is necessary to make it efficacious?—Yes.

5210. Do you see any way of doing that, or have you any suggestion to make as to how it might be done?—That is a point that has never presented itself to me at all. I am afraid I cannot make any practical suggestion.

5211. I consider that your evidence on this point is of great value, because you boldly come forward; you adopt what I may say I have all along advocated, namely, that the invoice should be the warranty; you do not shirk your responsibility; but there are a number of men who do not adopt your views, and the complaint is that they cannot be got at in the case of warranty being pled; would there be any hardship in making those men do as you do if warranty was proved, namely, take the place of the retailer?—A hardship might exist in the way I have pointed out, namely, the expense of fighting the case there. But if my suggestion that the case might

Sir *Charles Cameron*—continued.

be transferred from one court to another were adopted, then that would be done away with, and so far as I can see there would be no objection to the wholesale man or manufacturer standing in the place of the retailer, provided that some safeguard were inserted so that the case could be transferred from an inconvenient court to a more convenient one.

5212. You have spoken of another thing; you have spoken about the difficulty, where there has been much delay, in ascertaining whether the article in question was really that of yourselves or some other wholesale dealer?—Yes.

5213. If warranty were pled the onus of proof would lie upon the retailer?—Yes.

5214. That would be an advantage for you, and only justice, I thjnk?—That is so; we cannot afford, you know, that there should be any doubt as to our *bona fides*. Unless we really have serious doubt as to whether the article is ours, we are bound to defend it, because we have to stand well with our customers.

5215. That is from the advertising point of view again; that is a matter of policy; but it appears to me that you will have a great advantage, and that it would be only just that the onus of proof in such a case should lie on the retailer?—That would be so.

5216. You complained of the cost, but of course every person is liable to actions in which he does not recover cost?—But I do not think many people get four in one year.

5217. That is true; there is one other point: the honourable Chairman suggested that very fluid lard might be stiffened by extracting the oil; but might not that be held under Clause 9 of the Act to be an adulterated article, inasmuch as an essential portion of the nature of it had been abstracted?—That is my point.

Mr. *Kearley.*

5218. What is your definition of English lard?—Lard rendered from an English pig, I should say.

5219. Do you make that a strict definition?—Certainly.

5220. What do you say about Irish lard, then?—I should say that it should be lard rendered from an Irish pig.

5221. Then you would have distinct definitions; what would you say about Danish lard?—I should apply the same rule.

5222. But, as a matter of fact, are not these lards that are made in Ireland and in Denmark and in Holland very much of a similarity of quality?—The quantity of Danish lard coming in is so small that I do not know that I have ever seen a sample to be able to identify it as Danish lard.

5223. But there is a good deal of it, is there not?—More of it comes into London, no doubt, than into Liverpool.

5224. I thought when you were referring to English lard you were referring to lards of that superior character?—I cannot say about Danish lard; I have never seen it.

5225. But you will admit that Irish lard is of a superior character, will you not?—It fetches a high price.

Mr. *Kearley*—continued.

5226. Do you deny that it is of a superior quality to American refined bladder lard?—I do not think for any practical purposes there is any difference.

5227. Would it be possible for the Committee to have a demonstration of these qualities, or see these qualities produced, so that they might arrive at an independent judgment; could you assist us in that matter?—Yes; I should have no difficulty in doing that. But I have no samples with me at the present time.

5228. But I put it to you as a matter of fact: is it not a matter of notoriety among everybody that understand this article that the English lards (that is, embracing Irish lards) are very much superior to these English-refined American lards?—I am not trying to fence at all, but there is no doubt that they do fetch a very much higher price; but if you were to ask a man who sold them at that higher price in what way they were better than American lard, I doubt whether he could tell you. It is entirely a matter of prejudice, I believe.

5229. Will you undertake to have us put in possession of English and American lard?—Yes, with pleasure.

5230. With regard to the addition of this beef stearine, the Irish lards have never been imputed to contain it, have they?—Not to my knowledge.

5231. Or English lard?—Not to my knowledge.

5232. They do not find it necessary, to render their lard acceptable from the domestic standpoint, to make the addition that you find necessary to render your English-refined American lard suitable for domestic purposes?—That is so. My own experience has been got from what I have been told by Mr. Harris and others; I do not doubt their *bona fides* for a moment.

5233. You say you admit that this American bladder lard refined in England does not resemble the English lard?—It does in appearance, that is all; I could tell, and I think any expert could tell, the difference at once.

5234. With regard to the supplies of English lard, do you not think that if the renderers of it had not to face this strong American competition they would be able to produce enough lard to supply the country?—I do not think so; in fact, I am sure they would not.

Mr. *Frye.*

5235. The price would be much higher, of course?—Yes.

Mr. *Kearley.*

5236–7. That is not the point; I am speaking of the supply; you were here, I suppose, when Mr. Harris gave evidence last week?—No, unfortunately I was not. He is the largest producer of English lard, and I calculate that his output amounts to 20 tons a week; that is a mere bagatelle.

5238. Take American lards pure and simple shipped from America to this country, which are not refined here, but consigned by firms like Armour's direct to the distributor; do you suggest that there is beef stearine in those lards now?

Mr. *Kearley*—continued.

now?—I do not at all. I do not think there is. I never tried it.

5239. There used to be prosecutions connected with that lard in consequence of the presence of beef stearine?—And cotton-seed oil.

5240. But there are no prosecutions taking place now?—No.

5241. Then, if the American refiner is able to send a merchantable article without the addition of beef stearine, why should it be essential for the English refiner of American lard to add beef stearine to make his lard marketable?—One reason, of course, which I mentioned in my evidence-in-chief, is that lard stearine there is cheaper than beef stearine is, and that it pays them better, probably, to add lard stearine than beef stearine.

5242. But to reverse that, it pays the English refiners of American lard to use beef stearine because it is cheaper?—No, not because it is cheaper, but because less of it does. But there is another thing. I do not consider (and I make the answer with deference, because it is only after coming in contact with people who sell American lard that my own opinion is formed) that American lard stiffened with lard stearine is altogether satisfactory to the public. It certainly is not in the north of England, whatever it may be in the south.

5243. How would you gauge that; would not the import figures be an indication as to its suitability?—One of my points is that it is always sold at shippers' weights, showing that it must lose weight. If it loses weight it cannot really be in a fit state for carriage.

5244. But when you buy lard from America do you buy it at shippers' weights?—No, we do not buy it at shippers' weights, as a rule. When we buy it, it depends upon the terms upon which we buy it. There are three classes of terms, Chicago terms, New York terms, and Liverpool terms.

5245. I am talking about the American terms. It is a matter of indifference, of course, upon what terms you buy, because if you buy at shippers' weights you buy at so much less, and if you buy at the real weights you pay so much more. But my point is this: that you have to take into your calculations, of course, that the lard which you yourself refine, which comes from America, loses weight in transport?—Yes.

5246. Consequently that has to be taken into calculation indirectly, just as much in your lard as in the American lard shipped direct to this country by American exporters?—Yes, except that our lard comes in very much better packages than the American refined lard does.

5247. It comes in tierces, I suppose?—Yes.

5248. Then you pointed out that if you were to express the oil there would be a very serious increase of cost?—Yes.

5249. That is of course assuming that the oil is cheaper in price, or rather fetches, when expressed, a lower price than raw lard?—That is so.

5250. But that is not always the state of the case, is it?—Yes, it has been since the cheap lubricants were introduced, that is for a number of years.

Mr. *Kearley*—continued.

5251. You would have no objection to that oil retaining a high price, would you?—I do not know; I think that then the analysts perhaps would have something to say about it.

5252. In connection with the section of the Act to which you have referred?—Yes.

5253. Have you any serious objection to urge against this lard, assuming that it is admitted that it should be stiffened with beef stearine, being described as "Beef stearine stiffened lard"?—Yes, I have a very great objection to that.

5254. That is something different from describing it as a compound?—Yes, but it amounts to the same thing; that has been tried in Bristol.

5255. You still think it would prejudice the article?—It does; it has been proved. Even selling it as mixed, even if the percentage of beef stearine is stamped on the bladder (and it is only in the case of bladders that it can be stamped), and nine-tenths of our trade is not done in bladders at all.

5256. With reference to the guarantee question, if I understood you correctly, you think that the mere statement on the invoice that the article is lard should in itself constitute a guarantee without going through the more stringent form of declaring the article to be pure?—We say, of course," "pure lard," but still I think I would not like to say it quite so simply as that; I say I should stipulate for the use of the word "pure."

5257. But you invoice all your lard as pure lard before you come to the guarantee?—Yes.

5258. Do you not think that is quite sufficient in itself?—Yes.

5259. Then your opinion is that it is unnecessary to add the additional guarantee to the invoice?—I am quite satisfied that it is not necessary at all, but it pleases the customers; they think it increases their safety.

5260. Is it not put on for some other purpose than pleasing the customers; have not decisions been given in the courts, or at all events by magistrates, that unless there is that express declaration on the invoice the invoice does not constitute a guarantee?—That is so; but I do not think that that would hold now since the decision in Laidlaw *v.* Willson.

5261. There is that difficulty which you pointed out, and of which you have had experience, of tracing the identity of the lard?—Yes, there is.

5262. Do you think that costs ought to be allowed to the defendant on acquittal?—Yes.

5263. And the costs on appeal also?—Yes.

5264. And the costs incidental to applying for a mandamus to magistrates to state a case?—Yes, I think all costs.

5265. All those now are not allowed?—No.

5266. With regard to these cases, you gave us four cases, I want to put to you a question with regard to the Mansfield cases. On this second case coming before the court, did you state in evidence that you had discontinued using beef stearine?—I did.

5267. Would I be correct in assuming that that was equal to an admission that notwithstanding that the first case was dismissed, nevertheless

Mr. *Kearley*—continued.

theless there was beef stearine in the lard?—I did not deny in the first case that there might be 3 per cent. of beef stearine in the sample; nor did our analysts deny it, because it was sent out at the time of year when there might have been 3 per cent. or their might not; it was sent out within a few days of a cold spell of weather, and we were not sure whether there was any in or not; but I was quite prepared to admit in the first case that there might be 3 per cent.

5268. Then you were in the habit of putting beef stearine in, as a matter of fact?—Yes.

5269. And any imputation that you might make against the analyst would not extend to his inaccuracy or want of knowledge when he stated that there was beef stearine in the lard?—No, I did not refer to the 3 per cent of beef stearine then.

5270. There was beef stearine in the first Mansfield case?—I would not say absolutely that there was, but I am quite prepared to admit, if he found a small percentage of beef stearine, that I should not have contested the accuracy of his analysis at all.

5271. Then what part of the analysis did you contest?—The 15 per cent. of cotton-seed oil; that was grossly inaccurate.

5272. Was that 15 per cent. of cotton-seed oil in addition to the beef stearine?—No, the two fats taken together would be 15 per cent.

5273. Was there no division stated on his certificate as to the percentage of cotton-seed oil and the percentage of beef stearine?—I can be corrected if I am wrong, but I think in his certificate, in the first instance, there was no division at all, but, on pressure, he asserted that there would be about half and half. I can refer to that if you wish.

5274. You think that there should be a division of samples into four parts?—I do.

5275. In order to give the manufacturer an independent sample?—Yes.

5276. That would rather tend to multiply the difficulties, would it not?—It might work in that way, but one can easily understand that in a small country shop where the analyst leaves a sample it might be kept by a woman who knows practically nothing about the Sale of Food and Drugs Act. If the sample were left with a label on it, "This is to be sent to the manufacturer," there would be no ground for a mistake of that sort. That is one ground for my contention.

5277. Then, with regard to the analyst being present every time the Act is to be put in motion, that certainly would render the Act, would it not, altogether unworkable; do you seriously contend that whenever a prosecution takes place the certifying analyst should be called upon to appear, when I remind you of the fact that the analyst is bound to attend should the defendant desire his attendance?—Perhaps that might work as a hardship on the analyst sometimes.

5278. Is it practicable that the analyst should attend every case; do you maintain that?—It would probably, at any rate, require some reconsideration of the analyst's work. I should think there would have to be some redistribution of it.

Mr. *Kearley*—continued.

5279. May I ask you whether you admit that the defendant has the right to compel the analyst's attendance?—I believe that he has.

5280. When you have these cases in hand, which you take up very liberally on behalf of your customers, you, of course, get an array of analytical talent on your side?—We get the best we can.

5281. And you get rather a liberal number, I believe. I think I heard you say that you sometimes had as many as six?—I think five would be the limit.

5282. How does the public analyst stand; does he stand alone against this strong array?—I do not know what the public analyst does; he sometimes has some help. I do not know how he gets it. The ways of the public analyst are too wonderful for me to grasp at all. In the case you referred to I think Mr. Stock also appeared to support Mr. Hehner.

5283. Do you think it would be an unfair suggestion that magistrates are influenced unduly by the large array of analytical talent?—In the case to which I refer, when there were five, they were not called upon at all. You see, we never know whom the public analyst is going to bring; he may bring a whole string of analysts himself; we cannot tell.

Mr. *Frye.*

5284. Only one question about the mixture; in the case of a mixture of beef stearine and lard, do you maintain that the public like it better than the lard which you are obliged to sell now, and that it is much more useful in confectionery and making light pastry than the lard you are obliged to sell?—That is so; we have tried both, and the public do not like lard not stiffened by the use of beef stearine.

5285. That is just as wholesome as the lard which you are obliged to sell?—Yes.

Mr. *Colman.*

5286. On this question of the analyst being present, in what way do you think it would be a hardship to compel him to be present to support his analysis?—I do not say that it would be a hardship, but I say that probably there would have to be some re-distribution of the work to enable him to attend these cases.

5287. Would it not be desirable that he should be compelled to send to the manufacturer or dealer what is his analysis?—I contend that the result of the analysis should always be sent to the vendor whether the sample is adulterated or not; and I also think that the analyst ought to state clearly in his certificate what the supposed adulteration consists of, because you very often do not know until you get into court what case you have to meet.

5288. That is my point: that then the defendant does not know what the analyst is going to say?—He does not till he gets into court.

5289. Then you would think, at all events, that it is not unfair that the analyst should be compelled to send to the vendor what his analysis is of the article?—I agree with that.

5290. Then, if he has not made any mistake, the

Mr. *Colman*—continued.

the defendant probably does not want him to be there?—Of course not.

5291. But if a mistake has been made, do you still think that there would be any hardship in compelling him to be present?—I do not in that instance, but in a good many cases I do not think the analyst would be required. I should never be so foolish as to ask the analyst to come if he would really convict me. I should only want him there if I knew that he had made a mistake and wanted to convict him of it.

5292. You would be satisfied if he was compelled to send in a copy of his analysis?—I should be perfectly satisfied.

Mr. *Kearley.*

5293. To whom should he send that?—To the vendor.

5294. But I put it to you as a suggestion that the police should supply the defendant, or the person to be prosecuted, with a copy of the analyst's certificate, and not throw the onus on the analyst?—That amounts to the same thing.

5295. That would be the correct way of doing it, would it not?—I should think it would.

5296. The police are the body to put the law in motion, and I suggest that they should make the revelation of the certificate to the man whose article is impugned?—Yes, the copy of certificate should accompany the summons.

Mr. JOHN DOWLER IRVEN, called in; and Examined.

Chairman.

5297. YOU have been 20 years connected with the trade of lard refining, have you not?—More than half a century.

5298. And during that time your experience has led you to think that the use of beef stearine which was used for many years was an advantage in the manufacture of refined lard?—A distinct advantage.

5299. And you confirm the view given by the previous witness on that point?—Yes.

5300. Do you think that at that time when you were using beef stearine in small quantities to give this refined lard a proper consistency, you were conferring on the public a certain amount of benefit?—We considered it a distinct advantage to the public.

5301. It gave them a satisfactory article at a cheaper price?—It did not follow that it was cheaper. Sometimes stearine is as dear as lard; as a rule it is cheaper. At present stearine is of the same value as lard.

5302. Is it a more satisfactory article than you could have produced without the addition?—Yes.

5303. You think that the ruling that has been recently made that this addition of stearine was an infringement of the Sale of Foods and Drugs Act is an undesirable ruling?—Yes, as prejudicial to the public.

5304. In consequence of the uncertainty of the law you have discontinued the use of it?—We have.

5305. And you are still discontinuing the use of it?—Certainly,

5306. Is that discontinuance do you think prejudicial to your trade interests?—I think so, decidedly.

5307. And prejudicial to the public?—Yes. Customers often say, "Why do you not send us lard as firm as you used to send it?" "Why do you not send us lard with more consistency?"

5308. Do you think that the prohibition is not only injurious to you as manufacturers but injurious to retailers and consumers?—Yes, the lard loses weight on the way, and it is not as handy to the consumer; it does not cut out as solid; it leaks through on to other articles that a woman may be taking home in her basket, and it is not so substantial an article.

Chairman—continued.

5309. And you cannot meet those difficulties by using the stearine of the hog, you think?—Not to the same extent that we would wish, because lard oil is unsaleable except in a limited quantity.

5310. Then you think that the limitation, or rather the discontinuance of this mode of stiffening lard, which for 20 years was carried on, is likely to mean a limitation and crippling of your business; that is, the refining business, in England?—Yes, to some extent; it does not make it such a satisfactory business for the consumer.

5311. You are also of opinion, I think, that if there ever was a justifiable addition to an article of food this suet stearine is a justifiable addition?—Yes, because we have always held that it is of "the same nature, substance, and quality" as the stearine of the pig; and the ox is a cleaner animal than the pig.

5312. And it enables you to produce a better article of commerce?—Yes.

5313. Do not you think on the other hand that it is injurious to the English producer of English lard?—How?

5314. Because you enter into competition with him?—I do not see why he should not be entered into competition with.

5315. You think that there ought to be perfect opportunity to enter into competition with him by supplying an article which is not the same pure lard that he supplies to the public?—We say practically it is the same thing; we replace the stearine of the pig by the stearine of the ox.

5316. And you think that is a legitimate substitution?—We think it is covered by the sub-section; it is of "the same nature, substance, and quality" that has always been given.

5317. And you agree with the last witness in his views on the general advisability of its addition to the American lard, which you refine in order to make it fit for the English market?—Yes.

Mr. *Frye.*

5318. You would not object to the British manufacturer using the same material as you do, the beef stearine, to mix with his lard, would you?—I would not.

Mr. *Kearley.*

5319. As a matter of fact the English refiner of lard (and when I say "English" I mean Irish as well) does not use the beef stearine, and finds no necessity for beef stearine, does he?—No, because the pigs are fed in a harder way, and their lard is harder by nature; it brings a higher price.

5320. You have always been in the habit, I believe, of advertising your lard as pure lard?—Yes.

5321. And that is the custom of firms like Kilvert and others?—We always invoice it as pure lard.

5322. And so do Bancroft's and all the refiners?—Yes, "pure refined lard" is the term generally used.

5323. But you advertised it as pure lard when it contained beef stearine just the same, did you not?—Yes.

5324. You advertised it as pure lard when it was not so, as a matter of fact?—Because we considered it pure.

5325. I think you said just now that lard

Mr. *Kearley*—continued.

refined with beef stearine is "of the same nature, substance, and quality" as lard refined with lard stearine?—Yes.

5326. Chemically it does not come out to be so, does it?—Practically it does.

5327. But chemically, does it?—They say they can distinguish them sometimes in the form of the crystal through the microscope, but that is about all they can say.

5328. Chemists allege that it is not of the same composition, but that it is entirely different, do they not; and analysts allege that it is not of the same composition, but is quite different from that of lard stearine, I think?—They can detect a difference, but it is chiefly by the aid of the microscope.

5329. But they allege it to be of a different composition?—A different composition in the form of the crystal, I believe.

5330. But you allege it to be of the same nature, substance, and quality as lard?—Yes.

5331. So that there is a divergence of opinion between the lard refiner and the analyst?—Yes; each wishes to carry out his function, I suppose.

Mr. Alexander Leckie, called in; and Examined.

Sir *Charles Cameron.*

5332. You have been for a long time connected, I believe, with the proprietors of Van Houten's Cocoa?—Yes, for over 11 years.

5333. And you have been asked by the London Chamber of Commerce to give evidence on the subject of cocoa?—I have.

5334. Will you please state the amount of manufactured cocoa imported into this country?—The quantity is about two and a-half million lbs. weight.

5335. And of that, how much comes from Holland?—A little over two and a quarter million lbs.; a very small portion comes from Belguim, and a small portion from France; but about two and a quarter million lbs. comes from Holland.

5336. In what form does it come?—I may say that more than half of the total quantity of cocoa and chocolate that is imported into this country comes in one form, in the form of Van Houten's cocoa.

5337. But it comes in the form of cocoa powder?—Yes.

5338. Does your firm manufacture different varieties of cocoa?—No, only one article.

5339. Is that called "Van Houten's pure soluble cocoa"?—That is called "Van Houten's pure soluble cocoa."

5340. Would you explain what that is?—At one time the term "soluble cocoa" was applied to cocoa mixed with arrowroot or sago, or some farinaceous substance, and sugar. The late Mr. Van Houten invented a process whereby he made cocoa more soluble without any addition of arrowroot and sugar, and he called this product "pure soluble cocoa" for that reason.

5341. And the firm has manufactured it for about 67 years?—For about 67 years.

5342. In 1828 did the Dutch Government give Mr. Van Houten an exclusive right to

Sir *Charles Cameron*—continued.

manufacture it?—Yes; they thought that the manufacture was of some importance to their country, and they gave him the exclusive right for 10 years to manufacture pure cocoa powder.

5343. That is to say to manufacture cocoa altogether?—Cocoa powder altogether.

5344. They gave him a monopoly, in fact?—For 10 years.

5345. Is the process protected or patented in this country?—No, it is not patented. We naturally preserve it a secret so far as we can, so far as anything can be a secret from the public analyst.

5346. Is the object of the processs that you adopt to remove the excess of fat?—It is first to remove the excess of fat and then to improve the cocoa with regard to its solubility and digestibility, because natural cocoa has objections as an article of diet.

5347. Would you please state the percentages of fat in your cocoa, and in the other forms of cocoa respectively?—In natural cocoa there is about 50 per cent.; it ranges possibly from 48 or perhaps a little less, 47, to about 53 per cent., but it is fair to state that it is about 50 per cent. In our own cocoa there is about 30 per cent.; in other varieties of cocoa powder it ranges from about 26 per cent. to 33 per cent.

5348. Does the extraction of part of the fat improve the solubility of the cocoa; is that your contention?—Yes, to some extent. When fat is extracted the proportions of natural cocoa starch, cocoa sugar and other constituents, are consequently increased; these are fairly soluble, and the fat is not soluble. The consequence is that when you extract fat which is not soluble, you to some extent increase the solubility of the total resulting powder. There is another reason, which is, that when you extract fat, in increasing the proportion of other

Sir *Charles Cameron*—continued.

other constituents you increase the proportion of what are called the alkaline salts, and this also improves the solubility.

5349. Does the extraction of the fat impoverish the cocoa?—No, we believe it does not; we believe, in fact, that it is an improvement from a dietetic point of view. The percentage of 50 per cent. in natural cocoa is agreed to be excessive. We believe that about 30 per cent. is as much as is either agreeable or desirable. Besides, when we extract a proportion of the fat, reducing it from 50 per cent. to 30 per cent., we increase the proportion of all the other valuable constituents. The fat, when it comes to 30 per cent., is perhaps rather more than exists in most foods, and the other constituents are increased proportionately by its extraction. For that reason the extraction of the excess of fat is advantageous.

5350. Then your product is different from the natural cocoa?—All cocoa powder is different from the natural cocoa; it is entirely different, because cocoa which has had the fat reduced is no longer natural cocoa; it is a manufactured article.

5351. Is all cocoa powder manufactured by the simple extraction of part of the fat?—No; it is manufactured in three different ways. One way is by adding arrowroot or sago and sugar to reduce the proportion of fat; the second way is by extracting part of the fat by pressure; and the third way is by extracting part of the fat by pressure, and making the resulting cocoa more soluble by special processes.

5352. Can cocoa not be sold in its natural state like coffee?—No, it cannot be simply roasted and ground. It could be broken down. For instance, I noticed in a price list "cocoa nibs" and "ground cocoa nibs." It is not really ground, it is broken down into small pieces; they are really small cocoa nibs. If it was ground it would result practically in making a paste, and it would be neither easily dissolved nor would it be easily digested. Coffee has always been sold in its natural state, simply roasted and ground. You could not possibly roast and grind cocoa to a fine powder in its natural state; it must be altered.

5353. But in the form of cocoa nibs is it not sold in its natural state?—It is to a very small extent sold in the form of cocoa nibs, but even then it has got to be manufactured before it is consumed; because when cocoa nibs are bought, before they can be prepared they have got to be boiled for some hours (I believe it is a very lengthy operation, at any rate), and the fat has got to be skimmed. The fact is that in the cooking of the cocoa nib the housewife simply does what the manufacturer does, but not so skilfully; besides, it requires skill and judgment to extract the fat, because it really is valuable in proper proportion.

5354. Then you hold that cocoa in fact must be manufactured in some way before it can be consumed with advantage?—I do. It has never been consumed in its natural state, like coffee; it must be manufactured in some way.

5355. But if cocoa can be supplied in its natural state why should the public get a manufactured article when they ask for cocoa?—When the public ask for cocoa, they do not mean natural cocoa, they mean cocoa in the state of powder. If natural cocoa was supplied to a person going into a shop and asking for cocoa, it certainly would not be of the substance and quality demanded; they really mean cocoa powder. In addition to that, however, I would say that they expect to get an article possessing the nutritive properties of cocoa, which will, when it is boiled or hot water is added, produce a beverage without an objectionable appearance of fat. I think that is a fair definition of cocoa as the public understand it.

5356. Then you contend that cocoa powder, as generally sold, possesses the nutritive qualities of the cocoa bean?—Cocoa powder, manufactured by the addition of arrowroot and sugar, though a wholesome and nutritive article, does not possess in the same degree the nutritive properties peculiar to natural cocoa. Cocoa powder, manufactured by the extraction of fat or by special processes to improve the solubility, does possess the nutritive properties of the cocoa bean, and in larger proportion than the natural bean itself.

5357. Is cocoa powder, manufactured by the addition of arrowroot and sugar, not usually supplied when simply cocoa is asked for?—Most of the cocoa sold is sold in packets bearing the manufacturer's name, and, if it is called "cocoa," the word is generally qualified; and, if it is an admixture, the fact is generally declared on the label; but in any case such a mixture, under the present Act, is held to be adulterated unless the fact that it is an admixture is declared.

5358. Then you contend that the public is not apt to be deceived by the word "cocoa" being applied to admixtures of cocoa, arrowroot, and sugar?—I do, if the fact that it is an admixture is plainly declared on the label; and if that is not declared, under the present Act the seller is liable to prosecution.

5359. It is suggested that admixtures of cocoa containing a certain small percentage of sugar and farinaceous matter should be sold simply as cocoa, if the proportions of the ingredients are declared on the label; do you think that is advisable?—That suggestion has been, I believe, largely put forward in the trade, but such a mixture would, under the present Act, require to be qualified in some way as "prepared" cocoa and by the fact of its being an admixture being declared on the label, or it would be sold as chocolate powder without further declaration. If it was permitted to be sold simply as cocoa without any qualification other than declaration of the proportions of admixture, it would really create a new and lower definition of the word "cocoa" than at present exists. The public, I think, is better protected under the present system than by such a proposal.

5360. Then as to the suggestion for the use of the word "cocoaine" in the case of admixture of more than a certain percentage of foreign ingredients, what have you to say about that?—That is also a suggestion put forward in the same "Suggestions for a Bill," and it practically would result in the word "cocoaine" being used for all cocoa mixtures after a particular date. It certainly

Sir *Charles Cameron*—continued.

tainly is not a particularly happy word; it is too suggestive of "cocaine" to be a very desirable name for a food, and especially for a good food like cocoa.

5361. Then, as to the use of the words "chocolate powder," do you consider that that might be adopted instead of cocaine?—My objection to all those suggestions as they stand is, that they still leave a small mixture of cocoa, starch, and sugar to be called "cocoa" without any qualification; and, unless they went further, the result would be that you could not sell a cocoa that was fat expressed or treated by some special process, and which had really more of the nutritive properties of cocoa, without making some declaration, so that, in fact, the less nutritive article would be called cocoa, and the more nutritive article would require to be qualified. I do not think the suggestion is any improvement on the present Act.

5362. How is the public protected under the present Act from receiving cocoa, starch and sugar, when they ask for cocoa?—The present Act provides that the article shall be of the substance and quality demanded, and that if it is mixed it shall have a legibly-printed label on it stating that it is a mixture.

5363. Do you think that the present Act is sufficient so far as cocoa is concerned?—I do; I think the present Act is sufficient. If cocoa is asked for, the people expect to get a cocoa powder with the nutritive qualities of cocoa. If a mixture of starch or arrowroot and sugar is supplied, that has not the nutritive qualities of cocoa; and therefore I think under the present Act it fairly requires to be called a mixture; and so long as that is declared I do not think the public is prejudiced in any way.

5364. Do you think that the present Act requires to be strengthened, and how would you propose to do that?—I should like to see the invoice made a warranty, especially in the case of all proprietary articles or packet foods, so that in the case of foods like our own or similar goods, a prosecution could be taken direct against the manufacturer or, if the manufacturer is not in England, then against his resident agent, or against the importer. That certainly would free the retailer from a responsibility which I think should not rest upon him regarding foods sold under the manufacturer's name; and I believe that would be agreeable to the manufacturer as well.

5365. Have you ever had any actions brought against you as the representative of Van Houten?—Never; our cocoa has never been questioned in any way in this country.

5366. Never even in the hands of retailers?—It has never been questioned in any way whatever.

5367. There has never been any cocoa, alleged to be Van Houten's cocoa, the subject of a prosecution, regarding the identity of which there may have been a dispute?—No, we have had no experience of that sort whatever.

5368. It has been suggested that it should be an offence to add alkali to cocoa, whether such addition is declared at the time or not. What is your opinion with regard to that suggestion?—I think the suggestion is unnecessary, and I think it is mischievous as well. I think it is unnecessary because there is no cocoa, so far as I am aware, and I can speak certainly for a large proportion, if not all, of the principal cocoas in the market at present; there is no cocoa in the British market that contains any alkaline substance whatever; it could not contain alkali without spoiling the cocoa. And I think the suggestion is mischievous because it suggests that alkalis are added to cocoa, that cocoas contain alkali, and that they are objectionable or dangerous and ought not to be permitted to be sold.

Sir *Charles Cameron*—continued.

5369. Does the cocoa bean contain mineral constituents which can be calculated by the analyst as alkali?—It does; the proportion varies according to the class of bean that is used. The finer classes of bean have a larger proportion than the poorer beans; the variation is about 2 per cent.

5370. I suppose the meaning of that answer is that the cocoa bean contains an amount of potash?—It does not contain potash in the state of potash. It contains mineral constituents which I believe the analyst can calculate as alkali. For instance, in the form of phosphates, potash may exist in cocoa combined with phosphoric acid.

5371. You are not a chemist, I believe?—I am not, but unfortunately I have had a large experience of going into this matter.

5372. I merely asked you to explain the answer. I presume that what you mean is that various alkalis in a state of combination exist, which of course in analyses may be reckoned as added items?—Yes, they are in a combined state; the same as they are in any of our foods, the same as they are in milk or anything else like that.

5373. You stated that every manufacturer of pure cocoa powder increased the proportion of mineral constituents; how is that?—First of all, by the extraction of fat. This fat contains no mineral matter, and the consequence is that the manufacturer, when he extracts fat, say that he reduces his fat to 30 per cent. from 51 per cent., requires to take out about 30 parts of fat; he leaves 70 parts of cocoa containing 21 parts of fat, which is equivalent to 30 per cent. of fat in the cocoa powder; and in doing so, when he extracts this fat, which contains no mineral matter, he increases the proportion of mineral matter in the cocoa which he produces in the proportion of 70 to 100. By the extraction of fat alone he increases the proportion of all the other constituents, and that includes that mineral constituent which is sometimes called alkali.

5374. Therefore you say that every manufactured cocoa powder contains an increased amount of alkali?—I do; every cocoa powder contains increased mineral matter. It is a misleading thing to say that it contains alkali although one of the constituents is calculated by the analysts as potash. The analyst, in order to estimate the proportion of these constituents, burns the cocoa to an ash, and the action of the fire in the burning of the cocoa alters the nature of the constituents and produces carbonate of potash. Carbonate of potash is an alkali, and the ash of cocoa, therefore,

Sir *Charles Cameron*—continued.

therefore, contains alkali; but the cocoa, as people consume it and as we sell it, does not contain alkali, as some analysts have made out.

5375. Of course, that explanation does not hold good with cocoas where the proportion of fat has been reduced by the addition of starch and sugar?—No, it does not; that is the only cocoa powder in the market which has not increased the proportion of mineral constituents. The addition of starch and sugar reduces the proportion of mineral constituents, and, therefore, it would be fair to say that cocoa containing starch and sugar have a smaller proportion of mineral constituents or alkali in them. That is one of the objections, I think, to cocoa manufactured in that way, because it reduces the proportion of this constituent, which is one of the most valuable in the cocoa bean.

5376. Do you say that these mineral organic constituents are increased in other ways than by fat extraction?—Yes. The increase depends upon the process of manufacture. The proportion of these constituents in the principal pure cocoas sold in this country, both English and Dutch, show a larger increase than the simple extraction of fat accounts for. This increase runs from about 1 per cent. to 3 per cent., but the increase being exactly in the natural condition in which the constituent is in the cocoa bean, simply forms a slight increase of a natural valuable food constituent.

5377. How does that occur; I do not understand?— Each manufacturer naturally has his process, and we all naturally think they are valuable.

5378. I presume that it is an addition made by the manufacturer?—You may put it in this way: that it is an addition incidental to the manufacture. It is not a direct addition; it is an increase incidental to the process of manufacture.

5379. And what is its object?—The object of the increase is generally to improve the cocoa as an article of diet. The cellules of the cocoa-bean are naturally very hard and tough, and unless they are treated in some way they do not give up their natural constituents readily. Every manufacturer endeavours to overcome this objection and make the cocoa more soluble and more miscible as well; and in order to do this every manufacturer of any importance, with perhaps two or three exceptions, has a process of his own, one result of which is to increase or add to the proportion of natural mineral constituents. In connection with that, I took an opportunity of looking up the price list of one of the largest retail stores in London, and I found that there were 12 pure cocoas quoted in their price list. Of those there were four cocoas made simply by fat-pressure, nothing more than expressing a portion of the fat; and there were eight cocoas of the 12 made by one process or another, after the manner of the Dutch process. Of the 12 cocoas that were quoted in that price list, there were only two of the fat pressed cocoas which were made in England; there were four of the specially treated Dutch process cocoas also made in England, and there were four of them made in Holland. So that this particular process

Sir *Charles Cameron*—continued.

regarding which I speak, is generally followed in this country as well as in Holland, where we make it; and I may say emphatically that it is followed to the improvement of, and increase in the consumption of, cocoa.

5380. I do not ask you to state anything about the secret or the details of Van Houten's process; but as you have referred to other similar processes will you please explain generally what those other companies' processes are?—I do not know their processes; I speak simply from the actual results of analysis.

5381. But, I presume you mean that alkali is added to added to break down the hard cellules?—No, I do not say that. I say that each of them adopts a process whereby what is called the alkali is increased; the natural mineral constituents are increased. That result is exactly the same as in the cocoa which we make ourselves.

5382. It is absolutely impossible that the natural mineral ingredients can be increased except by the addition of some chemical?—That is so; there must be an augmentation in some form or other; there is no doubt of that.

5383. And, as I understand, your contention is that in order to produce cocoa that the public like and which commands the best market, it is necessary to use ingredients which augment that constituent?—Which results in that augmentation, precisely. I should like here to refer to a statement that was made at the meeting last Wednesday, by a witness. It was stated that cocoa manufactured in this way was—I do not remember the exact words; but it was regarding a quotation from Dr. Sydney Ringer's book. The nature of the quotation was that Dr. Ringer had stated that cocoa manufactured in this way was objectionable, and also that it resulted in the formation of a soap. I have Dr. Ringer's authority for stating that the quotation from his book, which was made by the witness here, is an entirely misleading one, and that what he said in his book had not the slightest reference to cocoa.

5384. Do you happen to have that; was that a written authority on his part?—The letter is here. I do not wish to have the appearance of advertising our own cocoa. I shall leave it to you to say what the nature of the letter is (*handing in the same*).

5385. The passage which you quote as an authorisation on the part of Dr. Ringer is this: "The quotations in certain advertisements from my book on therapeutics are quite misleading and cannot possibly apply to Van Houten's cocoa"?—Yes. There was a direct statement that our process is injurious, which has found its way already into the medical papers during the last week, so that I would ask that this letter should be put in, as Dr. Ringer has no objection to it.

5386. I asked you to put it in, and you said you did not wish to advertise?—I did not wish to read it, but I would be glad to have it put in as evidence.

5387. Is it as follows:—"15, Cavendish Place, S.W., March 1892. From the careful analysis of Professor Attfield and others, I am satisfied that Messrs. Van Houton's cocoa is in no way

Sir *Charles Cameron*—continued.

injurious to health, and that it is decidedly more nutritious than other cocoas. It is certainly pure, and is highly digestible. The quotations in certain advertisements from my book on therapeutics are quite misleading and cannot possibly apply to Van Houton's cocoa. (Signed), Sydney Ringer, M.D., F.R.S."

Mr. *Frye.*

5388. Your name was not mentioned, I think, in the evidence last week?—The name was not directly mentioned, but the reference was to foreign cocoas and Dutch cocoas.

Sir *Charles Cameron.*

5389. Do you think that the manufacturer of pure cocoa powder should be left free to extract fat and increase the mineral matters as he thinks best?—I do, so long as he complies with the present Act, and produces an article of the substance and quality demanded; that is to say, an article with all the nutritive properties of cocoa, and so long as he renders the article neither injurious nor objectionable, in accordance with the Act.

5390. The extraction of fat, you say, is generally admitted to be desirable; but it is said that alkali is added to the cocoa, and that is not desirable, is it?—The word "alkali" has been used so much that we feel it is rather unfair to our process. If the word "alkali" means the mineral constituents, then the cocoa bean contains alkali, and our cocoa contains an increase of it. If the word means free alkali, then there is no cocoa in Great Britain that contains alkali of that nature.

5391. But why do you say that alkali is free alkali. Of course, if it was combined it would be a salt, and would cease to be a free alkali?—Then, in that sense, there is no free alkali in any cocoa in Great Britain.

5392. What is your opinion as to setting up a standard for cocoa, in order to prevent any alteration in the natural constituents other than that caused by fat extraction?—The difficulty in setting up a standard is that it is apt to stereotype some particular system, and it would prevent, especially in the manufactured article, the effort to improve it that I believe has given the large increase in the cocoa trade.

5393. At the same time you consider that the mineral constituents should be increased beyond what is the necessary result of the extraction of fat?—I do, for the reason that I have explained, that unless that is done the cellules of the cocoa are hard and tough, and the article is practically neither miscible nor soluble. As regards this particular process of which I speak, I am not a chemist, but we have had the cocoa examined both chemically and physiologically. The result, so far as the cocoa as made by this process is concerned, is that the miscibility is from 12 to 15 times greater than the simply fat-expressed cocoa, and the solubility is, I cannot say the exact figures, but about 22 per cent.

5394. Then you maintain that you have strong opinion in favour of the wholesomeness of cocoa manufactured under the system that you advocate?—Yes; since the last meeting of the Committee, and in consequence of the evidence, I may say, although our particular cocoa was not mentioned, in view of the fact that Dutch cocoa and foreign cocoa were mentioned, and in view of the fact that our cocoa is the largest proportion of the manufactured cocoa that comes into this country (which means that any remarks made regarding foreign or Dutch cocoa are immediately applied to ours, and we naturally feel somewhat aggrieved in consequence of that), I applied to some of the most important physicians here in London for a physiological opinion, and I should be pleased to hand their opinions in. They were given, I may say, on the understanding that they were to be used before this Committee (*handing in the same*).

5395. We will consider what use we will make of them. Reference has been made to a prosecution raised in France against a Dutch cocoa manufacturer; do you know the grounds of that prosecution?—I do; the cocoa was Van Houten's. The case, as was openly stated at the trial, was instigated by the statement of the French chocolate makers. That statement was made at the trial of the case in Paris. The French Government got a report stating that fat had been extracted in the manufacture of Van Houten's cocoa, and that, therefore, the article ought not to be sold as cocoa; it also said that potash had been added, and, therefore, that the cocoa was injurious. The case was tried in the Law Courts, where, after a very exhaustive inquiry, the Government chemist, M. Rich, admitted that he had based his report upon a wrong hypothesis. The wrong hypothesis being that our cocoa contained potash; he admitted that it did not contain carbonate of potash. The result was that the medical report, which was given on the faith of this chemical one, was at once withdrawn, and the case fell to the ground. The Court decided that not only was the cocoa pure, but that the process of manufacture was such as to improve the digestive properties of the cocoa.

5396. Have you ever had any subsequent proceedings in the French Court?—In the French Court the question has never been raised again. There is no specific legislation at all in France with regard to cocoa; it is simply dealt with under an Act very much like our own Sale of Food and Drugs Act.

5397. Is the Act there as well understood and subject to as great difficulties of interpretation as the Act is here?—I do not know. I can assure you that the French law is exceedingly strict in its application, at any rate as to anything adulterated or injurious.

5398. Do you happen to know anything of the Paris case?—I have all the facts connected with this Paris case, and I should be very pleased to give the Committee any further information with regard to it.

5399. Have you a report of the case?—Yes, I have.

5400. I think it would be as well if you would put in the report?—I should be very pleased, indeed, to do so.

5401. Have you got it with you?—I have not got it with me. It is a very long report, and we have

Sir *Charles Cameron*—continued.

have been subjected to so many extracts being made simply from the statements for the prosecution that we do not readily give it out; but, of course, I should be delighted to put it into the hands of the Committee, where the case will be read. I will send it to the Committee with pleasure.

5402. If there was an official synopsis of it it would be useful to publish in an Appendix, perhaps?—There is none, but I shall be pleased to prepare a synopsis, and send it along with the book.

5403. Have there been any other actions against your cocoa, in Germany or elsewhere?—There has not been any action in Germany; but wherever our cocoa has gone we generally have a pretty large and increasing sale, and unfortunately that is apt to create national jealousy. In Germany there was the same process there. We were subjected to imputations regarding our cocoa, and at last the Government ordered an inquiry, but it did not go into any law court. The inquiry resulted in finding that the cocoa was correctly described as pure and soluble, and that, as the result of the process of manufacture, it was of greatly improved dietetic value.

5404. There has been no prosecution or inquiry in this country against your cocoa?—There has not. I believe that both Somerset House (and I judge of that from Mr. Bannister, who gave evidence here some time ago, and who entered into the subject of cocoa very fully) and the public analysts also, seem to be well acquainted with the composition of the different cocoas.

5405. But you say, and I think very truly, that success is apt to give rise to jealousy, and so forth. How do you account for the fact that whereas the jealousy of other traders had led to a trial in France, and probably an inquiry in Germany, the same agency has not put into operation the English law?—In France we were practically alone; our cocoa was making a large headway, and we had very powerful opposition. Here in England I am glad to say the cocoa makers, instead of uniting together to traduce Dutch cocoa, have been wise enough to follow the processes so far as they can. It certainly leads to very much increased competition so far as we are concerned; but it is a much pleasanter way than going on making different cocoa and running down our process. I have given you a note of the cocoas which are sold at the present moment by one retail store in London. I have also gone into 16 cocoas, and had them analysed since last Wednesday, so far as the process is concerned, that are at present sold on the British market. Of those, 11 are specially treated after the Dutch process; five are simply fat-pressed, and of those five two are foreign and three are English. So that out of 16 cocoas there are 11 cocoas, and a large number of those British cocoas, which are made after this process. That, I think, is why our process has led to no trouble here. Besides, the analysts here (I do not know whether it is the British spirit) are not so ready to act, I think, on so-called patriotic or protectionist feeling.

5406. But the analysts have nothing to do with setting the law in motion; the analyst's business is to analyse; and if Tom, Dick or Harry choose to send them a specimen to analyse it would be for the analyst to analyse it and the court to decide?—Yes, but——

5407. But as a matter of fact you have not had any of your cocoa, so far as you are aware, submitted to a public analyst?—I am aware that our cocoa has been analysed frequently by public analysts.

5408. But have any food inspectors taken the preliminary step of getting a public analyst to analyse your cocoa with a view to action?—I am not aware. I think, in view of the very strong advertising statements that have been made for seven years in the public press against Dutch cocoas, stating that they are adulterated, and that they are injurious and prejudicial, it is highly probable that sanitary inspectors have submitted our cocoa to public analysts.

5409. But you do not know of any case?—I am not aware.

5410. Might I ask you what you know about the law passed by the Belgian Government?—In Belgium there has been an edict, an Arrêté Royal they call it, passed by the Minister of Agriculture, on the recommendation of a small consultative scientific body, which declares that cocoa which has been deprived of part of the fat cannot be sold as complete and genuine cocoa, although it may be sold simply as cocoa or cocoa powder; and it states that cocoa which has had any increase of mineral matters whatever shall be called "cacao alcalinisé," and that if it contains more than 3 per cent. of increase it shall not be sold at all.

5411. What is the date of that edict?—It was passed some time last year. It came into force, or was supposed to come into force, on the 1st of April this year.

5412. Have there been any prosecutions under that edict?—None. I may say that we have a large trade in Belgium, and of course we are naturally concerned in this edict; we have taken steps in the matter, and have put the matter before the minister. We have also taken steps to see whether it applies to our cocoa or not; because it is impossible to tell from the nature of the edict, whether it does or does not come under it. One portion of the edict is worded in such a way that any cocoa powder at all would require to be called alcalinisé; and they have at the same time issued private explanations of the law, of which they have handed us a copy, which show that the law only applies to free alkali; so that at the present moment it is impossible to tell what cocoa does or does not come under it. The fact is that it seems to have been passed under the impression that cocoa contained free alkali; and as cocoa does not contain free alkali we do not know very well what to make of it.

5413. Who put the law in operation in Belgium, the public prosecutor?—The public prosecutor. They are quite aware that our cocoa is going in; we have informed them that we continue sending our cocoa as usual, and it is being sent as usual into Belguim. But I believe that the matter of this particular edict is being considered. I may say that we have not called our cocoa alcalinisé; it is not alcalinisé; it is not alkaline at all.

Sir *Charles Cameron*—continued.

5414. Is there any cocoa manufactured in Belgium, or is it largely manufactured here?—Yes, the Belgium cocoa makers are rather numerous.

5415. What process do they adopt; the expression process?—The expression process principally, I believe, and some of it they make with cocoa and sugar mixed into a powder.

5416. Is there any violent antagonistic opposition between the followers of one system and another in Belgium?—We have always found that opposition wherever we have gone.

5417. I was asking whether that antagonism and opposition exists between the followers of the two systems; the manufacturers on the alcalinising system on the one side, and the expressing system on the other, which would lead them to try and put the law into operation against one another?—If the Belgian cocoa-makers can succeed in having a law passed of this sort, which will stigmatise Dutch cocoa and exclude practically their strongest competitors, it is not unnatural that they should endeavour to have it done. I do not say anything as to the morality of it.

5418. I suppose they would endeavour to have it put into operation, so that probably you will have it tested soon?—I do not think so, until the Government settles what is to be the result of the edict.

5419. Is the edict not law?—Yes, it is; it was to have come into force on the 1st of April, but it has not come into operation yet.

5420. Has it been postponed?—It has not been postponed; it is in force.

5421. But a law comes into operation at a given date, irrespective of the desire of the Government?—That may be so, but there has been no action taken in Belgium.

5422. There is one point I should like to ask you about, that is, the name "cocoa." Strictly speaking, I suppose, "cocoa" was originally confined to the nut, or part of the nut, from which the article is manufactured now, was it not?—It is rather ancient history, and there are so many different versions of the origin of "cocoa," that it is difficult to steer between them. Cacao is the botanical name for the bean itself. The generally accepted meaning of the word "cocoa" in this country, as applied by the public, refers to cocoa powder.

5423. Does the word "cocoa" apply to the whole bean, or only to the shell of the bean?—The word cocoa is applied generally to the cocoa bean.

5424. Is chocolate made from the same portion of the bean as cocoa?—All cocoa is made from the nib, prepared in some form or other. The bean itself is roasted and decorticated and becomes a nib.

5425. That is done in the West Indies chiefly, is it not?—No, the beans are brought here whole, and roasted; the process is conducted at the manufactories; they are roasted, decorticated, and ground, and the fat is expressed in order to make it into a powder, as otherwise it would not be a powder.

5426. I suppose the industry found its way into Holland in consequence of the Dutch plantations at Java, and so forth. Is cocoa grown there largely?—No, I do not think there specially. It is grown in so many places; it is grown nearly all over the world; in Central America, Ceylon, Trinidad, and I do not know how many places.

5427. "Chocolate," of course, is a name for a purely artificial product?—"Chocolate" is generally applied to a mixed manufactured article.

5428. "Cocoa" is a sort of indefinite name, which certainly does apply to the manufactured article, and which, by use, has been applied to different preparations from the manufactured article of very different sorts?—That is so.

5429. And you contend that there should be great latitude allowed in the use of the word?—I contend that the name is properly applied in this country to the manufactured article; cocoa powder manufactured from the cocoa bean.

Sir *Mark Stewart.*

5430. If I understand you rightly, the Acts to avoid adulteration, and to promote more stringent dealing with adulterated articles, really hardly apply to cocoa?—I think that although the definition of "cocoa" is applied in this country to the manufactured article cocoa powder, certainly a person asking for cocoa expects to get an article with the nutritive and tonic properties of cocoa; he expects to get something of the character of cocoa, and therefore, although it is not definite, there is something, so far, definitely expected.

5431. Then so far as I understand the evidence you have given, there is not much fear to be apprehended of getting bad articles mixed with the cocoa?—The trade is too keenly competed for, for there to be any risk, so far as that is concerned. And the Food and Drugs Act provides that nothing injurious shall be sold.

5432. You see no special amendments that require to be inserted in any new Act of Parliament?—I think that the present Act perfectly covers the public so far as cocoa is concerned. If a person goes into a shop and asks for cocoa, as a rule he asks for a particular manufacture of cocoa, and gets it so labelled; they get exactly what they ask for.

5433. Would you suggest any name for the article?—So far as cocoa is concerned I would not. I think you must deal with the question on general principles, and that is the only way, I think, that one can deal with the manufactured article. If you were to begin to define what cocoa is, I think it would lead to no end of discussion and trouble.

5434. Does that apply to chocolate?—Chocolate is a manufactured article already.

5435. That would apply the same to chocolate?—Yes, in my opinion.

5436. You do not consider that these adulteration Acts require amendment in any direction in regard to chocolate and cocoa?—Not in regard to chocolate and cocoa. The fact of making the invoice warranty, as I suggested, would naturally apply to cocoa; but, directly, I do not think that the Act requires any alteration.

5437. And in that way you would attach the importer

Sir *Mark Stewart*—continued.

importer or wholesale manufacturer only?—Certainly, for an article that bore his name.

5438. Where is the manufacture chiefly carried on in Holland?—Our work is near Amsterdam, at Weis.

5439. What did you say your mixtures were that you inserted into your soluble cocoa?—We do not insert any mixture into the cocoa; our process of manufacture results in this way: that we increase or augment the alkaline salts. The process of manufacture does that incidentally; there is no addition as addition.

5440. You put in no sugar and no starch?—We put in no sugar and no starch; there is nothing in our cocoa but what is contained in the cocoa bean.

5441. Then you claim to be the purest manufacturers?—I do not like to state it in that way, because that implies that other manufactures are not pure. Since last week I have made a request to Professor Attfield that he would send me a short note replying to certain questions. If I have your permission I should like to hand in his reply (*handing in the same*).

5442. You say that you cannot grind cocoa as you grind coffee; is that on account of the immense amount of fat it contains?—That is so.

5443. That is the sole reason?—That is the sole reason.

5444. Do you sell cocoa nibs ground?—We do not. We only sell one article, "Van Houten's Cocoa."

Mr. *Colman.*

5445. Broadly speaking, touching these terms of cocoa or chocolate, would one be correct in saying that cocoa is an article for drinking, and chocolate for eating or confectionery?—Hardly, I think. Chocolate is frequently used for drinking as well. I do not think you could define the words in that way.

5446. The great bulk of what is used for drinking, though, is called "cocoa," is it not?—In this country it is so.

5447. And in this country is not chocolate used for confectionery or eating?—Yes, there is a large trade in confectionery, here, in chocolate.

Mr. *Colman*—continued.

5448. Would you say, from your experience in the analyses that you have had made, that there is practically no injurious adulteration of cocoa in this country?—None whatever. It was because of the statements that were made generally regarding cocoa at the last meeting of the Committee that I got the reports from Professor Attfield and Mr. Hehner.

5449. My point rather is, whether there is practically any injurious article used in this country at the present time in the manufacture?—So far as I am aware, there is not.

5450. Has it altered in the course of 20 years?—I do not think so; my experience has been principally during the last 11 years. I have been connected with the trade for 25 years, but more especially with reference to cocoa during 11 years; and during that period there has certainly been nothing injurious connected with the manufacture of cocoa.

5451. Do I rightly understand that practically all you send out bears your name on the package?—We send it out in no other form; every tin bears our name and a guarantee.

5452. And you think that the name and guarantee, coupled with the invoice, is a warranty and protection to the customer?—I think it ought to be.

5453. You would have no objection to an analyst coming to your warehouse to take samples from you direct, I suppose?—Of the manufactured article, certainly not. As a matter of fact, we have no warehouse in London; the importers warehouse it; but samples could be taken at the port of landing if required.

5454. And you would quite favour the idea that they should take it and you bear any onus on any sample?—Yes; that would be much better than that the retailers should bear the responsibility.

5455. We have had some evidence as regards the large increase in the consumption of cocoa in the past 20 years; would you say that that is equally so on the Continent as well as here?—It is.

Tuesday, 21st May 1895.

MEMBERS PRESENT:

Mr. Bolitho.	Mr. Kearley.
Mr. Channing.	Mr. Kilbride.
Mr. Colman.	Mr. Lambert.
Sir Walter Foster.	Mr. Newdigate.
Mr. Frederick Frye.	Mr. Yerburgh.
Mr. Jeffreys.	

SIR WALTER FOSTER IN THE CHAIR.

Mr. FREDERICK GEORGE IVEY, called in; and Examined.

Chairman.

5456. Do you represent any society or body?—I do not, only a firm.

5457. Was your name sent in by the London Chamber of Commerce?—Yes, by the London Chamber of Commerce.

5458. You come here, then, as a witness suggested by the London Chamber of Commerce?—Yes.

5459. You wish to state your views as to the present law relating to coffee and chicory mixtures?—Yes.

5460. Do you think that the law is sufficient at present with regard to those admixtures?—Hardly so. I think it is undesirable to materially alter the law; but in my opinion, in regard to coffee and chicory, it should be sufficient defence for a vendor in selling this mixture, that if it contains a larger proportion of coffee it should be called coffee and chicory, and if it contains a greater proportion of chicory it should be called chicory and coffee.

5461. You would simply stop there, and not put on the labels the proportions?—Certainly not. So far, it has been almost impossible to arrive at the proportions by analysts; and in support of that answer I beg leave to read from Mr. Otto Hehner's Report to the Society of Public Analysts in February 1893. He said: "In a matter apparently so simple as the estimation of chicory in coffee mixtures, there is a field for useful and important research. It behoves us to point out at the present time, when legal limits are proposed to be fixed by Act of Parliament for coffee and chicory mixtures, that it is in the present state of knowledge quite impossible to say for certain within 5 per cent. more or less, or 10 per cent. altogether, how much chicory a certain mixture may contain. Both coffee and chicory vary far too much in composition, as regards almost every one of the constituents upon which the analyst usually relies, to allow of anything like an absolutely accurate determination. These differences were good enough while it was not a matter of very much consequence to arrive at the exact composition, and where no injustice was the result of a more or less erroneous report, so long as the fact of admixture of chicory was really proved beyond doubt. But when the analyst is called upon, as he may shortly be, to say whether a certain sample contains 49 per cent. of chicory or 51 per cent., the former percentage being legal, the latter illegal, it must be at once acknowledged that our knowledge fails."

Chairman—continued.

5462. From that opinion, expressed by an eminent analyst, you would come to the conclusion that any attempt to specify on the labels the proportions of coffee and chicory in a mixture would be unjust to the vendor?—Yes, distinctly so.

5463. And might lead to persons being convicted of fraud when no fraud was intended?—I think so.

5464. Do you not think, on the other hand, it is fair that the public should know what they are buying?—Yes, but the public do not require to know in what proportions the coffee is mixed. The public, for years past; I was going to say from time immemorial, but that would be an exaggeration; at any rate, as long as I have been in the trade, which is 35 years, have always asked for a cheap coffee, which it is understood is coffee and chicory, or chicory and coffee, as the case may be, the quantities being regulated by the price at which it is demanded.

5465. But does not it appear to you that that very fact strikes at the root of legislation on this subject.—If the only security which the public have is the price they pay for the article, then a great deal of the work proposed to be done under the Adulteration Acts is useless, if the public can protect themselves?—But the public are fully alive to their own interests. A person who goes in is served with a pound of coffee at 1*s.* a pound, and what he gets in the majority of cases, I believe (I have been making a lot of inquiries about it in the trade), is half chicory and half coffee.

5466. And

Chairman—continued.

5466. And it would pay a fraudulent trader, I suppose, to make it three-fourths chicory and one-fourth coffee?—Yes.

5467. And to charge the same price for that?—Yes.

5468. How would you prevent that?—The public would not go again; they are alive to their own interests.

5469. But that strikes at the root of all this legislation. The argument against this legislation when it was first proposed, you know, was: let the purchaser take care of himself?—Yes.

5470. The State determined otherwise, and said: We will try and take care of the purchaser?—Yes.

5471. But you wish to go back to the old platform?—I would go to the platform that we are on now. I would not depart from it. It never has been departed from, so far. I would take you back to 1882, when this very proposal which you mention now was before the House, as to the proportions being stated. "Mr. J. J. Colman thought the amendment would create difficulty in practice, because of the different qualities of the raw material. He considered that proportion was not a fair test of value. Although it might determine the question of quantity it would be no guide to the quality, and a great deal of the worth of the ingredient would depend upon its quality."

5472. Was that with regard to coffee?—Yes, it was.

Mr. *Colman.*

5473. Was this in discussion in the House of Commons?—Yes, in August 1882, relating to an amendment which was raised as to whether the proportions should be placed on the label; and it was clearly shown that it was not advisable. The amendment was to the effect that the percentage should be placed on the label. "Mr. Dodson said it appeared to him that the amendment of the honourable Member for Bedford provided sufficient security for the public without the proposed addition" (that is, the addition of the proposed percentage). "He did not think it was fair to require a statement of the percentage of coffee. The addition proposed would simply lead to a good many prosecutions." Ultimately that proposal was negatived by a majority of 41.

5474. And you think the wisdom of the House of Commons in 1882 is good enough for 1895?—Yes; exactly the same state of things exists now as then.

5475. You wish us to understand that the difficulties of analysis are so great that any attempt to specify on the label the exact proportions of chicory and coffee might lead to unjust prosecutions and unjust condemnation?—Yes.

5476. And that, therefore, it is better to have the simple statement that they are mixtures either with coffee in excess, or with chicory in excess?—Yes; that is to say, in plain legible characters, so that the purchaser cannot be deceived; and if there is a greater proportion of coffee that it should be called coffee and chicory, an admixture of coffee and chicory.

5477. And if analysts, on the other hand, are sufficiently advanced to enable them to tell accurately, say within 1 or 2 per cent., the proportion

Mr. *Colman*—continued.

of these ingredients, would you still hold that opinion?—I do not know that I would; I do not think I would.

5478. If you were satisfied that the analysis was more perfect than you believe it to be, you would alter your position?—Yes; because then I think the unjust prosecutions could not occur.

5479. That is all I wanted you to tell me. Then you hold a view also about the sale of coffee; the sale of coffee has not increased as you would expect, I think?—It has not.

5480. To what do you attribute that?—To the abnormally low price of tea. Tea has fallen to nearly half its price, and coffee more than maintains its price. Coffee, taking the average of years, is worth a higher price to-day.

5481. Do you think that tea is a much more economical drink for the people?—Much more economical.

5482. It goes further, you think?—Weight for weight very much further.

5483. So you think that the sale of coffee has hardly a fair chance?—Certainly not. The English people are not a coffee-drinking people, with few exceptions.

5484. And you think that if we interfered with the sale of mixtures of coffee and chicory we should still further diminish the trade in coffee?—I am quite sure of it. During the last few days in our sale-room, where we have a large number of grocers coming in, I have taken the view of each man as he came in; and the sale of the mixtures extends in some cases to 90 per cent. of the whole lot of the coffee they sell as compared with the amount of pure coffee. It varies from 90 to 80, 70 and 60 per cent. In some neighbourhoods of course, take the west-end of London, in all probability pure coffee would be sold in a great measure; but in the poorer neighbourhoods and suburban neighbourhoods admixtures are very largely sold in excess of pure coffee.

5485. And you think that this admixture is necessary to meet the public taste, or necessary to meet the public needs as regards price?—Both the public taste and the public needs.

5486. You think that some people prefer coffee and chicory to coffee pure?—A large majority.

5487. What is the price of pure coffee?—The price of the lowest pure coffee, the common, would be roughly 80*s.* per cwt.

5488. And chicory?—About 3½*d.* or 4*d.* a lb.

5489. As compared with coffee at how much per lb.?—Roughly at 1*s.* 1*d.* or 1*s.* 1½*d.* roasted; that would be for the grocer to buy, on which he has to get his profit.

5490. So that the margin on the price of these two articles being considerable, there is a great opportunity for fraud?—Yes; but coffee of that description is not suitable for mixing; a skilled grocer would never dream of putting a common coffee into a mixture; he would buy the best coffee that he could get, because naturally it gives a better result than the common coffee mixed with the same amount of chicory, or even a smaller amount.

Mr. *Colman*—continued.

5491. But I suppose he would use less of it?—Yes, and more chicory.

5492. And probably it would be a more economical proceeding for him in the end than using poorer coffee?—I should think not.

5493. But it would produce a more palatable article?—Certainly.

5494. Which might pay him in the end for buying the best coffee?—Yes, because he would sell more.

Mr. *Channing.*

5495. At what price can you buy the best coffee?—At about 1*s.* 4*d.*

Chairman.

5496. Which he would mix with chicory which he buys at 3½*d.*?—Yes.

5497. The mixture he would sell to the public under the title of coffee and chicory, or chicory and coffee?—Yes, he would not sell it under the title of coffee.

5498. He would not?—I should think not, without declaring it on the label.

5499. Because he would run the risk of prosecution and conviction?—Yes.

5500. At what price would he sell this mixture?—It depends entirely on the cost. The grocer really gets very little out of his coffee now-a-days.

5501. The sale being small, as compared to tea, I suppose is one reason why he gets little profit?—Yes.

5502. And you say that the trade would be stimulated if the law allowed greater facilities for the mixture of chicory and coffee; is that what you mean?—I do not say the sale would be stimulated. I do not think it would stimulate the sale, exactly.

5503. I think you led us to infer in one of your answers that the public want for an article at a moderate price could only be met by mixing coffee and chicory in proportions that suited the public taste?—Yes.

5504. And you think that facilities for that admixture would probably meet the public taste more and more, and so increase the consumption?—Yes, I think so; that is to say, that you should allow the present facilities to be in use without the liability to prosecution, when such a thing is done properly.

5505. You would have no further restrictions?—No.

5506. You are satisfied with the law as it stands?—Yes, and the public are.

Mr. *Jeffreys.*

5507. When you say the public are satisfied, how do you know?—By inquiries among all our customers, and from hearing that there are no complaints to the grocer who supplies the public with this article.

5508. Is it possible that the public do not know they are being taken in to the extent that you describe?—I should think that after so many years it should be impossible. I do not agree that they are taken in.

5509. What did you say was the legal proportion of coffee and chicory?—There is none.

Mr. *Jeffreys*—continued.

5510. It can be mixed to any extent, can it?—Yes.

5511. To suit the public taste, as you think?—Yes, and the price at which the article is sold.

5512. Then I suppose the only way to get pure coffee is to buy the berries?—No; you can get it at any grocers. It is far better, of course, to buy the pure berry yourself, and grind it every morning before you want it; but then you see you have to use about double the quantity of pure coffee that you do of coffee mixture if you want to make a really good cup of coffee.

5513. Then if the public were to demand pure coffee, and they were sold a mixture, a prosecution would lie under the present Act?—Yes, most decidedly, if they ask for pure coffee.

Mr. *Channing.*

5514. Did I rightly understand you to say that you would propose to have the mixtures labelled coffee and chicory, if there were a larger proportion of coffee than chicory in the mixture, and *vice versa*?—Yes.

5515. You would make it legible?—Yes, most emphatically, in plain legible characters, so that the public could not possibly be deceived.

5516. And you think that it would be easily determined by an analyst or expert, whether that was complied with or not?—I should think you could tell the proportions to such an extent as that; that is to say, for the greater proportion, you could always tell if there was a greater proportion of chicory, although in all the analyses that I have had, when the proportions have been half and half, I have known the proportions invariably come out more chicory. But may I read, with respect to a question of yours, a little thing which is interesting? I submitted six samples which I had carefully made up myself and mixed in the best possible way that I could think of; I took a lot of trouble, ground them together, and mixed them in such a way as to make it impossible to detect. I am not at liberty to mention the name of the analyst, but I shall be happy to hand his name up to the honourable Chairman of the Committee; it is a well-known name, but till I have the analyst's authority to give his name I should prefer not to give it. He took great pains with the analyses during his holidays to arrive at the result, in order to oblige me, and he arrived at certain results. He said: "It must be borne in mind that in the foregoing instances I knew beforehand the quality" (whether he meant "quantity" I cannot say) "of both the articles used in the mixtures examined, Nos. 1 to 6" (the quantity, I think, he must mean there). "It becomes, however, quite another question when the analyst is not so informed; there is not much variation in the constitution of pure commercial coffee, but chicory in its natural state, as well as after roasting, varies enormously. Indeed, the natural variations are so large that at present we have no means of judging precisely of the quantity present in a so-called coffee mixture; and, although occasionally lucky guesses may be made,

Mr. *Channing*—continued.

made, no analyst is justified in swearing his results are correct within 10 per cent. or 15 per cent."

5517. I do not quite understand that report; do you say that the analyst was acquainted with the proportions before he made the analyses?—I gave him a sealed "key" (a letter sealed). I can only conclude by this that he must have opened the key before he made the analyses; but my intention was, and I meant to have written and asked him not to open the "key" before he had made the analyses. But he says there that it is impossible to swear that the results are correct within 10 or 15 per cent., and he brought these analyses out to about 2 or 3 or 4 per cent.

5518. It is an interesting experience, but you would hardly call it evidence, would you?—I think you are right there.

5519. Because the analyst was acquainted with the proportions beforehand?—If he opened the "key." But he remarks here with regard to variation that no result will be correct within 10 or 15 per cent. If 50 per cent. is legal, and 51 per cent. is illegal, it will come hard upon grocers.

5520. Do not you find that in clubs and hotels, and in the case of other large purchasers, there is a desire to get pure coffee?—I do not.

5521. You do not think that the sale of coffee would be increased in this country if there was a greater guarantee of purity?—Distinctly not; I think it would be most detrimental to it, and I say that in the interest of the growers. I sell an enormous quantity of coffee; this is, of course, a comparatively small trade with me; but in pure coffee I do an immense trade, and I say that it would be most detrimental to the sale of coffee.

Mr. *Colman.*

5522. Will you tell us what is the price of the best coffee and of the lowest coffee on the wholesale market at the present time?—The price of the best coffee, the highest price of coffee sold recently was about 130*s.* to 133*s.* odd; that would be about 1*s.* 7*d.* to 1*s.* 8*d.* per lb.; that is as roasted.

5523. And the lowest?—The lowest probably would be about 80*s.*; the lowest common African coffee would be worth to the grocer about 80*s.*, which would come out roasted from about 1*s.* 0¼*d.* to 1*s.* 1*d.*

Mr. *Jeffreys.*

5524. But your arithmetic is wrong; you have worked it out, as I understand, that the best would come out at 1*s.* 8*d.* per lb.?—Yes; but 133*s.* means in bond, in public sale. I reckoned that in my mind as an initiated mind. The highest-priced coffee sold lately in bond is about 130*s.* to 133*s.* per cwt. in bond, which comes out when the duty is paid and the coffee is roasted to about 1*s.* 7½*d.* per lb.

Mr. *Colman.*

5525. And the lowest quality?—The lowest African would be about 80*s.* per cwt., in bond.

5526. Then your contention is as to the question of percentage, that there is so much variation in the price of coffee that to give the percentage gives no guarantee of the actual value of the mixture?—Yes.

5527. I do not think you brought that out quite clearly in your evidence?—I am afraid I did not.

5528. What does the public understand by the term French coffee?—A mixture.

5529. Always a mixture?—Yes; the case has been tried on several occasions and has cost us many hundreds of pounds. When an inspector goes into a shop and asks for French coffee and he is delivered a tin of our coffee we invariably defend such a case.

5530. Is that because chicory and coffee are usually mixed together in France?—They are very largely mixed, of course. French coffee is roasted in a rather different way from English coffee; that is a thing that I cannot go into here; but it produces rather better results, it produces a better coffee, and French coffee is largely used in this country now. In fact in the last 10 to 12 years it has enormously taken the place of other coffee mixtures which the grocers sold in its place.

5531. Do you mean to say that if we go to France and take a cup of coffee at a railway station it is practically coffee and chicory?—No doubt of it. I never had other there.

5532. Do they use much more chicory than we do?—I am not quite sure; my impression is that they do use far more chicory than we do; but I am speaking from memory now; I have not sufficiently well looked it up.

5533. Is there really much pure coffee used in France?—A good deal I should think.

5534. But a good deal of it is coffee and chicory?—Yes, an enormous proportion of it. They roast their coffee very highly in France, they almost char it.

5535. I understand you to say that if these mixtures were prohibited the result would be not an increased sale of the coffee-berry itself, but rather a decreased sale?—Yes, I think you would debar the masses from buying it altogether; they could not afford to pay the price for pure coffee. You cannot get a palatable pure coffee at the grocers under 1*s.* 6*d.* a pound, not a really nice coffee to drink; but for 1*s.* 6*d.* you can get a pound of tea which will go twice or three times as far.

5536. Has there been no increase in the demand for pure coffee since the Adulteration Acts came into force?—I should think not. You are referring back to 1882 and 1875 particularly. I should think not.

5537. And you state from your own knowledge that there is considerable difficulty in mixing the two articles together so as to ascertain accurately what particular mixture there would be in an ounce?—Yes.

5538. That is to say, you might mix a pound but yet the mixture might be very different in one ounce from the mixture in another?—Yes.

Mr. *Bolitho.*

5539. Then there is nothing but the taste to guide you as to the quality of the coffee?—No.

5540. At the present moment there is nothing to guide you but the price?—No.

Mr. *Kilbride.*

5541. I think you told us that in those instances which you gave of having coffee analysed, the analyst said that no analyst would be justified in swearing that the results would be correct within from 10 to 15 per cent.?—I will read the exact words: "No analyst is justified in swearing his results are correct within 10 per cent. or 15 per cent."

5542. Have you tried any other analyst except that gentleman on that point?—I have not personally.

5543. Would you say, from your knowledge of the gentleman whose name you have not mentioned (and I do not ask you to mention it), that other analysts would not be justified in going nearer the mark than 10 or 15 per cent.?—I could not say; he is a public analyst, and an analyst of repute.

5544. Have any samples of this kind been submitted to Somerset House?—Not of these particular ones that I sent; I do not think they would allow me to do that.

5545. Would you say to the Committee that the analyst at Somerset House would not be justified in going nearer than 10 or 15 per cent. in a matter of this kind?—I do not think I ought quite to say that; but I can tell you this with regard to Somerset House, if you will allow me. I refer to a very well known case in law; I cannot put my hand on the case about Somerset House, but here is a case referring to coffee particularly: Higgins *v.* Hall, reported in the "Justice of the Peace," volume 51, page 294: three analyses of the same mixture, one shows no coffee, one shows 30 per cent., and one shows 50 per cent.

5546–7. What year is that in?—It was in 1886, and the case was as follows: (*see* written copy of the case, which is most important in its bearing on this evidence.)

Mr. *Kilbride.*

5548. When this gentleman stated that no analyst would be justified in swearing within 10 or 15 per cent. of admixture, would you say that that applied to other admixtures of a different character; that an analyst could not go within 10 or 15 per cent. of the nature of the component parts in other articles?—I could not give you any information as to that; I know so little about other articles; I know all about coffee and chicory.

5549. Are you aware that it has been given in evidence here that analysts are able to determine in other articles of food in which there are admixtures, within ½ per cent., the compound parts of the admixture?—I was not aware of that, but I am perfectly certain that it is impossible to do it with regard to chicory and coffee; absolutely certain.

5550. Why do you say so?—I am not sufficiently well up, but I think what I have read already so far quite bears out what I say.

5551. I think you told the Committee that the chicory and coffee that was mixed was a good coffee at 1*s.* 4*d.* a lb. and chicory at 3½*d.*; could you tell the Committee at all in what

Mr. *Kilbride*—continued.

admixture of chicory and coffee, coffee at 1*s.* 4*d.* and chicory at 3½*d.* per lb., what percentage would be coffee and what percentage would be chicory?—It would depend entirely upon what price the grocer wanted to sell it at, I should think.

5552. You could not tell what the proportion would be?—I could not.

5553. I want to find out what the price would be?—I should think a fair mixture would be about half-and-half.

5554. Then what price would that admixture be sold at?—I suppose at about 10*d.* or 1*s.* per lb., perhaps. You are asking me questions that I cannot answer. I am not thoroughly up in the retail trade of the present day.

5555. You do not think, then, that the public are defrauded at all by these admixtures?—No, I do not.

5556. Or that there is any undue profit made by the grocer?—Not in the least; I consider that the grocer gets very little out of his coffee.

5557. You told us that the public could protect themselves?—I think so.

5558. How can the public protect themselves?—In this way, I think: If I were in the habit of buying a pound of coffee at 11*d.* per lb., I should go in and buy it, and take it home and try it; and if I did not like that coffee, I should not go again. I think that the public are sufficient judges.

Mr. *Newdigate.*

5559. Have you ever known anything else except chicory to be mixed with coffee as an adulterant?—I have known vegetable substances mixed with coffee many years ago, before this Act came into operation, but not within my own personal knowledge.

5560. Do you think that that is done at the present time at all?—I should think not.

5561. It might be?—Not within my knowledge.

5562. It would be impossible for the customer to tell whether there is an admixture or not, would it not?—But it would be a clear infringement of the law, because they are not allowed to put anything other than chicory in coffee unless they put a halfpenny stamp on every ¼-lb. tin sold with anything other than chicory and coffee. I never heard of such a thing being done against the law in that way; and the inspectors are so vigilant now that I do not think it would be done.

5563. Do not you think that there is rather a prejudice in the public mind that coffee, if it is not bought in the berry, is sometimes mixed up with all sorts of things?—It is very likely, I think.

5564. Do not you think that that prejudice exists amongst the public?—I do not think so; it is quite an isolated case, I think; I never heard of such a thing.

5565. And that that might possibly account for the small amount of coffee bought in this country?—I do not think so; I do not think the public think that; I never heard of such a thing.

5566. Have

Chairman.

5566. Have you ever known of artificial coffee berries being made?—Not in this country; I meant to have brought a sample, though.

5567. But they are made?—Yes; they are made—in America, I believe.

5568. And they are mixed with the true berries, and these spurious berries, of course, are an adulteration and a fraud?—Yes; but I never heard of such a thing being adopted in this country.

5569. It is the ingenuity on the part of our transatlantic brethren that has produced this form of fraud, is it?—Yes. There is an enormous difference in this artificial coffee, of course, in weight; it is very heavy. I believe it is composed of glucose and chicory. For curiosity's sake, I had a large sample box sent over from America, and the difference in weight is so immense that you can pick the berries out.

5570. The berries are heavier?—Yes.

5571. The true coffee berries you can tell at once by the weight?—Yes.

5572. But if they are mixed well together, of

Chairman—continued.

course that test would be less effective?—Yes, it would, but I should think that such a thing was impossible in this country.

Mr. *Newdigate.*

5573. I suppose that some shavings from a dark coloured wood from a shop could easily be added by a dishonest dealer to the coffee, and it would not be easily detected?—To grind up it would be absolutely impossible.

5574. Why?—A coffee mill is so constructed that it would be impossible to grind it up in that way. It would all go into small woody particles; it would not go with the grain as coffee does.

Mr. *Jeffreys.*

5575. What are the relative quantities of coffee and chicory imported into this country, do you know?—I am sorry I have not got that up.

5576. You could not tell us at all roughly what the proportions are?—No, I am afraid I could not do that.

Mr. JOHN CORNELIUS SANDERSON, called in; and Examined.

Chairman.

5577. I THINK you are the honorary Secretary of the Coffee Association of London?—Yes.

5578. And you are here at the instance of the London Chamber of Commerce?—Yes.

5579. The general committee of that body appointed you to give evidence?—Yes.

5580. On behalf of the coffee trade section of the Chamber?—Yes.

5581. Can you tell us something about your experience in the coffee trade?—I have been in the coffee trade in Mincing-lane, first as a clerk and afterwards as a broker, for about 40 years.

5582. And you have had a good deal of experience in trying to bring about an alteration of the sale of coffee mixtures?—Yes. Some years ago, in a firm that I was then connected with (Messrs. Patry and Pasteur), Mr. Pasteur and myself took up this question, and we endeavoured to get the law altered. We were so convinced that the consumption of coffee was injured by the license given by the Customs to vendors of coffee that we endeavoured to bring about an alteration.

5583. And for that purpose you obtained samples all over London, I believe?—Yes, for that purpose I obtained a lot of samples, and they were analysed by Dr. Paul, with a result that astonished us. Those samples, I must tell you, were collected by different clerks in different parts of London; they were brought to me and numbered; the names were kept in my own hands; no one knew the names but myself; the samples were handed to Dr. Paul, and he gave us the results.

5584. And those results were very startling?—They were exceedingly startling. There were 43 samples collected, and Mr. Pasteur made the following note: "The average proportion of coffee in the above 43 samples is just 50 per cent., with 50 per cent. of chicory, burnt sugar,

Chairman—continued.

and other vegetable substances. Twenty-two of the samples are labelled 'French coffee,' and of those, nine contained from 62 to 93 per cent. of chicory, &c., averaging 70 per cent. of other substances than coffee. Those mixtures are all sold at prices ranging from 10*d.* to 1*s.* 4*d.* per lb." (I must tell you that that is speaking of 1886.) "Bearing in mind that good pure roasted coffee can be retailed at 10*d.* per lb. with a fair profit to the seller, and that chicory is about one-third of the price of coffee, it is easy to see that the sellers of all those French and other coffee mixtures must be realising profits of something like 100 per cent. by the sale of their wretched compounds. The worse the mixture the greater the profit; hence the anxiety of sellers to push their trade and to find attractive names to take in an ignorant and easily deluded public." That was written by Mr. Pasteur at that date.

5585. Have you finished that?—There are a few lines more: "Coffee growers in India and other British possessions, importers and others engaged in the coffee trade, have good reasons for complaining of the protection given by Government to the wholesale manufacture and sale of adulterations by the Act of 1882. The legislation on the subject is nothing but an encouragement to fraud and deception, and a disgrace to those who are the originators of it."

5586. Have you any reason to think that the condition of things has improved since that date?—In what respect?

5587. With reference to this adulteration of coffee. Do you think that the same trade tricks go on still?—I think undoubtedly.

5588. To the same extent?—Undoubtedly, so far as the mixing of chicory is concerned; I do not know about other substances.

5589. But although that is your opinion, that is not the unanimous opinion of the Chamber of

Chairman—continued.

Commerce, is it?—The Chamber of Commerce is divided, for this reason: that so few of the members of the section attend these meetings. I do not consider that the members present at the meetings which have been held at the Chamber of Commerce properly represent the import coffee trade of London.

5590. And therefore the resolution passed by that section of the Chamber, you think, is not of very great potency?—I do not think it is of much value, myself, for that reason.

5591. There has grown up, I suppose, a great deal of trade interest in these admixtures?—Yes, a very large trade indeed.

5592. And that interest makes itself felt, both in the Chamber of Commerce and outside it, I suppose?—Undoubtedly.

5593. And that interest would view with disfavour any legislation that interfered with admixture?—Naturally so, because it takes away a source of business.

5594. And a great source of profit?—Yes, a great source of profit.

5595. They have made their views felt in the London Chamber of Commerce, have they?—Yes, I think to a great extent, for the reason I have said; that so few of the members of the coffee section have attended these meetings, that the other side have had it practically all their own way.

5596. That is to say, the advocates of admixture?—The advocates of admixture.

5597. Is that how you account for the resolution which was passed at the section?—Undoubtedly.

5598. What was that resolution?—The resolution was: "That this section declines to support any proposal which has for its objects the compulsory declaration of the proportion of coffee and chicory, on account of the difficulties in proving what proportions of each substance a given mixture contains, and also that the proportions themselves are no guarantee of the value of the mixture."

5599. Do you agree with that resolution?—I do not.

5600. Will you give us your reasons for dissenting from it?—I think, in the first place, taking the first part, the question of the difficulties of proving the proportions, if it was compulsory to do so, wholesale mixers would adopt a different system of mixing, and they would perfect their machinery better, and it would be more carefully done when they knew that there was a greater responsibility attached to them than there is at the present moment.

5601. You mean that if they were obliged to state on the label of the article the proportion of coffee and chicory, and they were responsible for it, they would do it?—Yes.

5602. And that they would adopt better methods of manufacture to enable them to do it accurately?—I am sure of it.

5603. Then, on the other hand, while you might get more accuracy of admixture in that way, do you think that the difficulties of analysis are an effectual barrier to such a declaration?—I am not a chemist, but I have had a great many interviews with Dr. Paul, and I never remember

Chairman—continued.

Dr. Paul to have expressed his opinion that there was any difficulty at all. I have been through the Analytical Department in Paris of the Government Laboratory there, and I never heard them express that they found a great difficulty in discovering the presence of chicory on the proportions at all.

5604. Then you do not place the same amount of importance on that difficulty that the last witness did?—No, I must say I do not. I think there is no doubt that there are some analytical chemists here who do this sort of thing, perhaps not quite so perfectly as others.

5605. But you think that within reasonable limits, speaking from your trade experience, and, of course, not speaking as a scientific witness, an analyst is capable of detecting the mixture?—I should say so; it is so in most articles.

5606. And specifying within reasonable limits the quantities of the ingredients?—Yes, I should think so; about such and such a proportion.

5607. That resolution you have quoted was not adopted, I think, by the Chamber generally, was it?—No, it was not.

5608. They refused to adopt it?—At a public discussion, when Sir Albert Rollit was presiding, the general committee declined to adopt it, and they passed a resolution to that effect.

5609. What resolution did they pass?—"That the requirements of the present Food and Drugs Act, in reference to the forms of label, are not sufficient for the protection of the public, and that the law as to admixtures, and their declaration to the purchaser, requires to be greatly strengthened in the interests of the retail seller, and of the consumer in the case of coffee and cocoa."

5610. You agree with that resolution?—Undoubtedly. I was present, and voted in favour of it.

5611. But you consider the present state of the law very unsatisfactory?—I do.

5612. Will you say in what respects you consider it unsatisfactory?—I consider that at the present moment manufacturers have a licence to mix as much chicory as they like with coffee so long as they put on a notice to protect themselves, saying: "This is sold as a mixture of chicory and coffee."

5613. And those provisions, you think, are inadequate to prevent the public being defrauded in the course of retail trade?—Yes, I think it is trading in the name of coffee when it ought not to be. There are many people (the public I am speaking of) who do not understand these things, and I think it is necessary that they should be protected by proper authorities; that the thing should not be called coffee at all, but that another name should be used when the admixture is so heavy.

5614. Then I gather you would go thus far: You would not only put upon each packet, or each sample we will say, the percentages of chicory and coffee which it contained, but if the percentage of chicory exceeded a certain limit, say 50 per cent., you would call the lower mixture by another name than that of coffee?—Yes, I should call it by the name of the predominant partner. I should compel, I think, an admixture

of

Chairman—continued.

of more than 50 per cent. of coffee, to be so called.

5615. And a mixture of 60 per cent. of chicory with 40 per cent. of coffee, you would call by a name such as "Chicorine"?—Yes, something of that sort.

5616. And other mixtures with less than that proportion you would call "Coffee Mixture"?—Yes.

5617. But would you put on the label the proportions?—Yes.

5618. And you believe in that way you would protect the public, you would prevent fraud, and you would not interfere with the trade?—I think that the public would then know what they are about, and they need not buy a mixture of 90 per cent. of chicory and 10 per cent. of coffee, and pay a high price for it; at least they will be fools if they do.

5619. Do you think that such a procedure as you propose would interfere with the consumption of coffee?—No, I do not see why it should.

5620. You do not think it would lessen the trade generally?—I think not. You see we have been stationary with the consumption of coffee. For the last 30 or 40 years, it has been practically about 14,000 tons, and notwithstanding the increase of population it remains so; and I think it cannot be less than that.

5621. And you think that may be due to the fact that the public is not certain what it is buying when it goes for coffee?—Yes, there are many people who will not buy it because they have no protection.

5622. But they can protect themselves by grinding their berries, can they not?—Yes, but that is a great amount of trouble, which English people have not yet been educated up to, I am afraid. There is no doubt that the better middle-class people do it; but the poorer class of people do not, they have not the coffee mills, and so on.

5623. Are the coffee cases which have been tried all over the country, chiefly tried on the representations of the local sanitary authorities?—I believe so. I have not followed that question minutely.

5624. Have you followed those cases at all?—I have read a good many. I cannot call them to mind now. In the year 1886 especially, a great many cases were reported, and then I went into it all thoroughly at that period.

5625. And your experience and the information you have obtained by that inquiry leads you to think that the purchase by the public of these cheaper mixtures, which they do on account of their necessities and their limited means in many cases, is a great source of fraud?—I do not like to call it fraud.

5626. It is fraud, is it not, if people sell as coffee what really contains only a small percentage of coffee?—Yes; but there is a label on the packet saying: "This is sold as a mixture of coffee and chicory." It is not fair trading.

5627. We will call it unfair trading, if you like. I am not particular about the word "fraud," but you think that that unfair trading is encouraged by the present state of the law?—Undoubtedly.

Chairman—continued.

5628. Do the magistrates usually convict when the proportion of coffee is small?—No, they do not; the practice varies considerably.

5629. Why do they not convict?—They refuse to convict because they say Parliament has sanctioned the sale of these coffee mixtures, for the reason, I say, that they have these notices on the tins.

5630. And you think this admixture does not stand on all fours with all admixtures in food articles, such as cocoa, mustard, and so on. Cocoa is mixed, as you know?—Yes.

5631. Do you think this admixture of coffee and chicory stands on a different level from that?—No, I do not.

5632. Do you think the admixture of coffee and chicory is just as legitimate as the admixture of starch with cocoa?—I do not consider either of them legitimate.

5633. I suppose you are aware that the ordinary cocoa that the public consume is a compound which has a certain consistency and a certain flavour, which are due to a large extent, to an admixture of good sound starch and sugar with the cocoa?—Yes.

5634. And that the public has acquired a taste, as it were, for that particular article, and therefore it might be defended on the ground that it meets the public requirements?—I am afraid the public taste has been vitiated in a great many cases by these mixtures which have been sold, and I do not see why the public taste cannot be educated up to drink pure coffee and pure cocoa, in the same way that they like good port wine.

5635. Then you do not think that there is any defence for the admixture of chicory with coffee as meeting the public requirements as regards taste?—I do not quite follow you.

5636. Do you think that the public would buy as readily pure coffee as a mixture of chicory and coffee?—I should think so. If they do not, why not sell the two articles distinct, and let the public mix them together.

5637. Your own argument about trouble would come in there; if they will not take the trouble to grind the berries, they will hardly take the trouble to mix coffee and chicory together, will they?—That is much more simple; the one requires a coffee mill and the other does not; it is a very simple operation.

5638. Have you any knowledge of any experiment made in the direction of selling the articles separately?—No.

5639. Then you do not know whether that plan has succeeded or not?—No, I cannot answer that question.

5640. Then the price of these two articles varies very largely, does it not; that is, of chicory and coffee?—Yes.

5641. What should you say is the average difference between their prices?—The present lowest value of coffee, in my opinion, that is suitable for the home trade is about 84*s.* a cwt. in bond, to which has to be added a duty of 14*s.* a cwt.; and in roasting, coffee loses in weight about 20 per cent. The wholesale price of that per lb. is, in my

Chairman—continued.

my opinion, about 1*s.* 0½*d.* Then there are expenses of packing and other charges to be added, so that it seems to me quite impossible to sell mixtures at 8*d.*, 10*d.*, and 1*s.* per pound unless they are materially adulterated with chicory.

5642. The price of chicory being about 3½*d.*, I think the last witness told us?—Threepence-farthing per pound, about.

5643. But there is in the difference of prices between these two articles a great opportunity for fradulent admixture, by way of getting illicit profit, is there not?—Undoubtedly; because if you take one pound of coffee and mix four or five pounds of chicory with it your price is considerably reduced.

5644. Of course all these articles refer to coffee either sold as ground coffee or sold in packets?—Yes, under the name of French, or some other name, which is entirely misleading, and has nothing whatever to do with the article itself.

5645. Is your experience of French coffee (that is, real French coffee) that it contains a large amount of chicory?—Undoubtedly. In those cases of samples I obtained some years ago a great many of them were called French coffee, and the French coffees contained from 63 to 93 per cent. of adulteration. It is only the name used; it means really nothing.

5646. So that when a man sells coffee here under the name of French coffee, practically he would have a kind of justification for putting a large quantity of chicory with it?—I do not know that; the public ought to know that they are not buying coffees, but mixtures.

5647. I quite admit that; but you would meet that by your label?—I would, by giving the proportion.

5648. You have not only had a good deal of experience at home with reference to the home trade, but you also, I think, know something about coffee growers abroad?—Yes.

5649. Are they opposed to this admixture?—Yes. During the Indian and Colonial Exhibition an association was formed (and it was then that I was asked to act as honorary secretary) to bring this matter before Parliament, and Mr. Clifford, Q.C., who is a coffee planter and owner of estates in Mysore, acted as the chairman. That association was formed, and the planters of Mysore subscribed some hundred pounds to defray the expenses and to bring this question before Parliament, and I have represented them ever since.

5650. Is it their feeling that the sale of genuine coffee, and their business consequently, is interfered with by this extensive use of chicory?—Yes.

5651. And that this extensive use of chicory is not based on the legitimate preference of the people for chicory, but on the fact that the trade have got into the habit of selling for their own purposes these admixtures which contain an undue proportion of chicory?—Yes.

5652. And you believe that in the interests of coffee-growing, as well as in the interests of supplying the public with what they ought to have, pure coffee, it would be better if these admixtures were prevented or checked?—Yes, because I consider that there is not a genuine liking for these mixtures, but that, as I say, the taste of the public has been vitiated by giving them these things.

Chairman—continued.

5653. You see taste is a personal matter; you and I might consider a thing a vitiated taste which another man does not consider a vitiated taste, but in relation to the pure article itself you are justified in calling it a vitiated taste, you think?—I think so.

5654. Do you not think that if you were to limit the admixture of chicory and coffee very severely you would place coffee above the reach and the means of the poor who want to buy it at, say, 6*d.* or 8*d.* a pound?—I think that, by adopting my plan of declaring the proportions, the poor can buy it if they like; but they would know what they are buying, which at the present moment they do not.

5655. You would be willing to supply them with an article at 6*d.* or 8*d.* a pound?—If they can do it now without a declaration, they can do it with a declaration.

5656. You would simply have the quantity declared on the label?—Yes.

5657. And not forbid the use of chicory?—No, certainly not. If people like chicory, let them drink it by all means; only let them know what they are taking, and do not trade upon the word "coffee."

5658. Then, do you not think also that there is this to be said: it may seem a sentimental objection, but it is a real objection nevertheless, that poor people are sensitive about their poverty and do not like to go and ask for a substance like chicorine, just as they do not like to go and ask for margarine; they like to ask for "butter" or "coffee;" and do you not think that from that sentimental feeling you would interfere with the trade if you compelled these mixtures to be called chicorine?—I do not think so.

5659. You do not think that the fact that you have to go into a shop where there are a lot of people looking at you and noticing what you buy does not interfere with what you ask for?—I do not; at least, if they had to go to a particular part of the shop, some people may have some feeling in that respect, but I do not think that question touches coffee mixtures and coffee and chicory.

5660. When you say that the taste of the public has been vitiated by these mixtures, you must admit that that hardly comes within the purview of legislation; it is not our duty to educate the public taste?—I am not quite sure of that.

5661. You think it is?—I think it is the duty of the State, if the people cannot take care of themselves, to step in and make laws for their protection.

5662. That is one view of the functions of the State; the other view is that the functions of the State should be limited to giving people an opportunity of protecting themselves in these trading and commercial transactions; you do not approve of that view?—I think by the present state of the law the State gives a licence to the wholesale manipulator to sell an article very much mixed and call it coffee, with utter disregard whether

Chairman—continued.

whether there is any or no coffee in it. I think that the State should protect the buyer.

5663. And you think that the State, having commenced this business of interfering with adulteration, ought to go to the logical end and protect the public against these mixtures?—Yes.

5664. Now, there is a good deal of difficulty raised by some people with reference to declarations of the proportions of coffee and chicory on the label; do you believe in those difficulties?—No; I have already stated that I think they are not impossible to get over.

5665. And you think that analysis is sufficiently well equipped in its researches at the present time to meet these difficulties, and to make a fair statement as to the proportions?—I think so. There would always be a central department to refer to.

5666. And you think that central department is important?—I think very important, indeed.

5667. And that that central department should be a kind of court of appeal in doubtful cases?—Yes; a similar place to the laboratory that I referred to, that I went over to see in Paris.

5668. And the London Chamber of Commerce approves of that?—Yes.

5669. So that in any case of a doubtful analysis, before the trader or retailer or wholesale trader was convicted, he would have an opportunity of appealing to the central laboratory and having Government confirmation of the previous analysis or its non-confirmation?—Yes.

5670. So that he would feel that his case was being justly dealt with?—Yes.

5671. And you think that such a department would be a great advantage to the public and to the general administration of the law?—Undoubtedly.

Mr. *Colman.*

5672. You accepted just now the honourable Chairman's statement of carrying the law out to its logical end, as to the protection of the public; how would you do in the case of the proportion of mixtures with the variation there is in the prices of the raw material; if you carry the law out to its logical end and are to say the proportion of coffee in a certain mixture, does it not follow necessarily that you ought to say what that coffee is, whether it is of the best quality or a low quality?—I do not see that that is necessary. There may be differences of opinion; one man may take two samples of coffee and think one is better than the other; who is to decide which is the best?

5673. Was not the statement of the last witness correct, that the price varies from 80*s.* to 130*s.*?—Yes, there are lower-priced coffees, of course, than 80*s.*, but they are not suitable for the London trade. There are Brazilian coffees which are very much mixed.

5674. Where are they consumed?—On the Continent and in America.

5675. Then the London price, we may take it, varies from 80*s.* to 130*s.*?—Yes.

5676. In what way does stating the proportion of the mixture, then, protect the public, unless you also state the value of the coffee which is mixed?—I do not consider that necessary at all, because the point that we are dealing with is whether the public should get coffee or chicory. I say that the State should protect them and see that they get the proper quantity of coffee for what they pay.

Mr. *Colman*—continued

5677. But my point rather is this: if the consumer does not know what the coffee has cost, whether it is 80*s.* or 130*s.* coffee, in what way is he specially protected by having the proportion of coffee stated?—Because he gets the proportion of chicory; it is the proportion of chicory we want to arrive at really.

5678. Now, in France, has the consumption of coffee increased of late years, or has it been retrograding as it has in England?—I should say it has increased, but I have not followed the figures quite recently. I know that the consumption in France was something like four pounds per head of the population some few years ago, when I went into it more thoroughly, and at the same time the consumption of coffee in England was about 15 ounces, it was under a pound.

5679. But you have no figures to show whether France has increased its consumption of coffee?—Not with me; I have them at home.

5680. You raised the question of burnt sugar in 1886, I think?—No, I do not think I mentioned burnt sugar at all.

5681. I thought I understood you to say that there was some question of burnt sugar that you referred to in 1886?—No; what was your question?

5682. I was going to ask if I am right in the statement which I thought I heard you make, that there were mixtures of burnt sugar in 1886, whether that has continued up to the present time?—I beg your pardon; I was reading a statement when I referred to burnt sugar.

5683. Do you say that adulteration of that sort continues at the present time?—I am not able to answer that question, that is all taken from the analyses, and I have had no analyses since then.

5684. You referred to one case that came under your notice of a mixture of 90 per cent. of chicory; is that a common proportion?—I referred to that as an instance from those 43 samples that were collected indiscriminately from different parts of London.

5685. What mixture would they give about, on an average?—In the 43 samples, the average is just 50 per cent.; but there was one sample which contained 93 per cent.

5686. The average being 50 per cent?—Yes.

Mr. *Bolitho.*

5687. I think you said, or, at all events, the former witness said, that a very large quantity of coffee sold in Paris was adulterated with chicory. Do they state the proportion, or do they say that it is mixed with chicory at all?—I do not agree with the last witness in that respect. I think that the adulteration of coffee in France is not done before it is sold to the public in that way at all. Any adulteration, if it does take place, must be done by the consumer himself.

5688. You said that you did not know the pro-

Mr. *Bolitho*—continued.

portion of coffee per head now consumed in France, but that you think it is more than it was some few years ago?—Yes.

5689. You do not happen to know, I suppose, whether the consumption of tea has increased in France?—No.

5690. I think, probably you would admit that the coffee one now gets in houses in England is better than it used to be?—Undoubtedly it is better in hotels, and better in many houses.

5691. To what do you attribute that, to more coffee being bought or to better pains in the preparation of it?—I think that what has been done by those interested in the coffee trade has made the thing somewhat public, and that the taste of the people is beginning to revive, and they take a little more trouble in making their coffee.

5692. You also said that you had received samples from a very large number of places in which you have detected a large admixture of chicory; did you find any particular difference between the large establishments and the small when those samples were purchased?—In those days the large establishments were the greatest offenders.

5693. And you are strongly of opinion, I gather, that a less proportion of chicory employed would rather have the effect of stimulating than lessening the consumption of coffee; is that your idea?—I do not see that it would lessen the consumption of coffee, and I think ultimately it would improve the consumption of coffee.

Mr. *Jeffreys.*

5694. You said that the consumption of coffee per head of the population was diminishing?—Taking into calculation the increased population.

5695. I say the consumption of coffee per head of the population has, in your opinion, diminished of late years?—Yes.

5696. Do you suppose that that is because the public get a worse article than formerly?—I say, yes.

5697. The mixture is not popular?—No.

5698. But it was said just now (I do not think you said it, but the previous witness,) that the public could suit their own taste. It is very possible, is it not, that poor people never have the chance of tasting pure coffee?—I should think very probable.

5699. Therefore they do not have the choice really between pure coffee and this mixture, do they?—It appears to me that if poor people want to buy coffee at a certain price, and they ask for 1*s.* coffee, and have a tin handed to them which contains 90 per cent. of chicory and 10 per cent. of coffee, there should be a statement on that tin to that effect.

5700. In fact, at the shops where the poor people deal, say in the east end of London, is any pure coffee sold at all?—I am afraid I cannot answer that question. I should think very little.

5701. Do not you think that the consumption of coffee would increase if the poor people could get more milk to drink with it. I will put the question in another way: Is not one reason why coffee is more largely consumed in France be-

Mr. *Jeffreys*—continued.

cause they get a great quantity of milk there?—I think the French people like coffee better than the English people do.

5702. You have not gone into that question?—No, and I do not know whether it is a question of milk or not; it may be.

5703. The duty on coffee is 14*s.* 4*d.* per cwt., is it not?—Yes.

5704. What is the duty on chicory?—The same figure, I believe.

5705. Per cwt., or according to value?—Per cwt

5706. Have you any idea of the proportions of coffee and chicory introduced into this country?—No, I have not looked into that.

5707. I suppose the amount of chicory is more than that of coffee, from what you say?—I have not looked at those figures; I cannot tell you.

5708. You heard that the coffee-berries are sometimes adulterated by spurious waste berries. Has that come under your knowledge at all?—Never in this country; I have heard that such a thing has been done in America, but I never heard of it in London.

Mr. *Kearley.*

5709. I think you stated that the quality of coffee is falling off. You meant chicory and coffee, perhaps, in its admixed form?—A mixture.

5710. You meant that the quality of the admixture is falling off?—Yes; of course the more you mix the more inferior the quality is.

5711. Is the mixing of coffee and chicory a new thing?—No.

5712. Then how do you apply your remark to the mixing of coffee and chicory which has been going on for very many years; why should the quality of such an admixture be falling off now, or becoming lower?—I do not think I stated that, did I, in that respect?

5713. I understood you to say that the quality was falling off, and I construed that to apply to the mixture of coffee and chicory, not of course to coffee by itself, because that could not be so?—I do not think so.

5714. You are of opinion that the percentage of coffee and chicory respectively should be stated on all tinned admixtures?—Yes, on all packets.

5715. Packed in tins?—Yes, or paper packets; on all packages.

5716. Yes, weighed up from the admixture it should be declared there?—Yes.

5717. Do I rightly understand that you would expect an exact declaration or a declaration between certain poles?—Yes, that would do.

5718. You would not like to bind a man down to 90 per cent., and if 88 per cent. was found that should be considered adulteration?—No, I should say "about."

5719. That it contains more than 75 and less than 90 per cent., say?—Yes. The great object is to let the buyer know that he is not getting, as he thinks, pure coffee because it is called French or Date, or something else, but that he is getting a mixture, and that there is a certain proportion of coffee and chicory; and that it should not be called coffee when the admixed ingredient is more than the coffee itself.

5720. Would

Mr. *Kearley*—continued.

5720. Would you not go further than that and suggest that it should not be called coffee at all, that if there is chicory mixed it should be called "coffee and chicory"?—It should be called "chicorine" or some other name.

5721. That is to say that the word coffee should not be used in an unqualified way when chicory is mixed with it?—I say that the name of the predominating partner should be the name.

5722. Would you allow the word "coffee" to be used when 40 per cent. is chicory and 60 per cent. is coffee?—Yes.

5723. Why?—Because there is a larger proportion of coffee. Coffee and chicory you would call it then.

5724. It is not coffee?—No, coffee and chicory.

5725. It is not coffee. You are allowing the word "coffee" to be used to an article that admittedly is coffee and chicory?—Yes, then call it "coffee and chicory."

5726. I suggest to you that, to be consistent, any admixture of coffee and chicory should be declared to be such and not to be sold as coffee with a small qualifying phrase on the tin or packet?—I should sell it as a mixture of chicory and coffee.

5727. Then I put it to you definitely, is it, in your opinion, advisable that any admixture of chicory and coffee should be sold as such?—Yes.

5728. You think this mixing of chicory with coffee has injured the consumption of coffee throughout the country?—That is my opinion.

5729. But how do you get over the fact that this system of mixing has been going on for years, very many years, and was going on when the consumption per head of coffee was not declining as it is now. That is my object in putting to you the question, is the mixing of chicory and coffee a new thing?—I do not quite see the point.

5730. I will put it more clearly if I can. The fall in the consumption of coffee arose, we will say——?—Put it the other way, the stationary consumption of coffee.

5731. Yes, the fall in the stationary consumption of coffee was obtaining 20 years ago and 15 years ago?—Ever since I can remember; I think it has been somewhere between 13,000 and 14,000 tons.

5732. But in recent years it has been falling, has it not?—No, it has remained at that amount, between 13,000 and 14,000 tons, notwithstanding the great increase in the population.

5733. Yes, I understand; but the consumption per head has diminished owing to the increase of the population?—Yes.

5734. And you think that that has arisen from coffee becoming an unpopular beverage owing to the admixture of chicory with coffee?—Yes.

5735. Have you considered whether the cheapness of tea would bring about that result or be responsible for it?—There is no doubt that, to some extent, tea is a cheaper article, and is more easily made; but still, if we do not do what we can to make the beverage popular, we should always remain in the same position.

5736. With regard to the suggestion made to you by an honourable Member that the quality of coffee should be declared, that would be impracticable, would it not?—It would be impossible to do that any more than that the quality of tea should be declared.

5737. I see that, according to the *précis* of your evidence there was an adverse resolution carried by the Chamber of Commerce against the suggestion you are making?—Yes.

5738. And I noticed that you remarked that few members attend?—Yes.

5739. You suggest that that is not a genuine expression of the opinion of the coffee trade?—That is my opinion.

5740. That those interested in the import of coffee and in the sale of it in its pure condition are of opinion that this admixture of coffee and chicory is hurtful to their interests?—Yes.

5741. Do you see any practical difficulty in declaring the relative percentages, there or thereabouts?—No, I do not.

5742. You do not see any difficulty in declaring the mixing of chicory and coffee, though part of the mixture may contain a greater percentage than is declared?—I think if the law was that it should be stated, wholesale houses would perfect their machinery, and take greater care to see that it was perfectly mixed.

5743. Have you had any experience of using sugar in roasting coffee?—I believe there is an Act of Parliament that would not allow above a certain proportion to be used. I think there is so much per hundredweight that they are allowed to use.

5744. But it is a matter of notoriety that sugar is used in roasting coffee, is it not?—Yes, I believe so.

Mr. JOHN INNES ROGERS, called in; and Examined.

Chairman.

5745. You have been asked, I think, to come as a witness from the London Chamber of Commerce?—Yes.

5746. With regard to the general grocery trade?—With regard to the general grocery trade of the kingdom.

5747. And also with regard to the question of coffee, which we have just been discussing?—I have taken the whole subject, but coffee is one of the points I have got in my *précis*.

Chairman—continued.

5748. I will take you on the coffee question first, I think, for the sake of keeping the matter together as much as possible. Will you tell us what you have to say with reference to coffee?—I think, in the first place, with reference to what the previous witnesses have said, I should be strongly disposed to agree with them that the unlimited use or abuse of chicory has tended to limit the consumption of coffee; and the reason I say that is that, in my opinion, coffee is taken

Chairman—continued.

because of its vegetable alkaloid, which affords a stimulus to the nerves in taking, the same as theine in tea, and a similar product in cocoa; and that if you substitute for that a roasted vegetable root like chicory, which has none of those vegetable alkaloids, you interfere with what the public require when they take these stimulants. They expect a certain pleasant result from taking coffee, I should say; and, if they get chicory instead, that stimulus to the nerves does not follow.

5749. And consequently this unlimited admixture of chicory with coffee leads to a fraud on the public?—I should hardly like to call it a fraud; in some cases it does amount to fraud, and in other cases it does not amount to fraud, for this reason: these admixtures have (as I think wrongfully) been allowed to exist for a large number of years, and have become part and parcel of the trade, and it is extremely difficult to say where fraud begins under such circumstances. I think certainly that the use of chicory is carried to such an enormous excess as to amount to an abuse.

5750. I was only applying the word "fraud" to extreme cases; you would call it an abuse?—I should call it an abuse of the privilege given by Parliament, and which, therefore, ought to be either withdrawn or lessened, in my opinion.

5751. Limited in some way?—Yes.

5752. Then the fact of a man not obtaining the physiological results from an article of diet which he expects constitutes, at all events, an abuse in the trade?—I think so. I think his stomach turns against it after a time; he does not know why, probably.

5753. Because it ceases to give the effects that it ought, and probably produces some other form of distaste which leads him to give it up?—I have tried French coffee myself, and it always leads to immediate dyspepsia; and, of course, if people do not obtain that stimulus they take tea, which is a similar substance and very much cheaper, and, as the last witness said, very much more easily made.

5754. And you think that on that account the normal rate of increase in the consumption of coffee has been checked?—I think so distinctly. I have got the Statistical Abstract here, which shows a continuous falling-off for a number of years.

5755. Will you read the figures, please?—I take it per head of the population, as that is the true test. In 1879 the consumption of coffee was 0·99 of a pound per head; in 1893, which is the last year published, it was 0·69 of a pound; so that it has fallen off one-third of a pound per head of the population since that time.

5756. Although the actual amount of coffee imported may be about the same, the increase in the population accounts for the difference of which you speak?—Yes; and I hold that if the trade were legitimately conducted, and if people could have the stimulus that they expect from coffee, in common with all other articles of grocery produce, the consumption of coffee would have increased in proportion to the increasing wealth of the community, of the better off classes at any rate.

Chairman—continued.

5757. You almost go so far as this, do you not, that the trade at present in coffee is not a trade in coffee at all, but in chicory?—Yes, that is what I do say. I say it should be called a chicory trade.

5758. Have you any figures to show the amount of chicory imported?—Yes, I have a figure here, but it is not quite satisfactory, because there is a certain amount of chicory produced at home, and for that there is no return given; but we worked it out at the table just now, and we found that the decrease in the chicory imports is not so great per head of the population as in the coffee imports. The decrease in chicory is, I think, 18 per cent. and in coffee 22 per cent.

5759. So that would rather go to show that the consumption of chicory has not fallen off in the same proportion as the consumption of coffee?—Yes, but that is not quite a satisfactory test because we do not know the home production of chicory. I am under the impression that the home production of chicory has also fallen off. The Belgian root, I believe, is considerably better.

5760. If so, that would account for the difference without any increase in the consumption of chicory?—Yes.

5761. You think that the coffee trade has drifted largely into the sale of chicory through these admixtures?—Yes, and that those admixtures have increased owing to the rise in the price of coffee, because the price of coffee has risen very much indeed owing to the increasing demand on the Continent, where, as I believe, chicory is not used to the same extent as here.

5762. You think that in France, for instance, chicory is not used in ordinary coffee to the same extent as we use it?—My own experience of family life in France is that the lady of the house makes an extract of coffee. They are very particular about it. They buy the fresh roasted berries, grind them themselves, and make a sort of decoction of them, which they keep in a bottle for a certain time; and the *café au lait*, which is used in family life, is made by adding a little of this extract of coffee to a sort of bowl of hot milk. I agree with what an honourable Member said just now, that probably the reason for the greater demand of coffee in France was the abundance of milk. You will see in the streets of France the small grocers (because the grocery trade is not on nearly as large a scale in France as it is here) sitting in the streets and roasting the coffee themselves. They pay a great deal more attention to coffee than we do; they roast it fresh and supply it in that state. We, on the other hand, have what is called French coffee here. I hold that that is neither French nor is it coffee. I am sure it is not coffee; so far as my experience goes it is nothing like what is used in France. Out of that compound very large fortunes have been made. Cases have been before the courts in which about 80 or 90 per cent. of added chicory has been found to be legal under the joint protection of a label stating

Chairman—continued.

stating that some chicory had been added, and of the mixture being labelled "French coffee." For a long time a large proportion of the coffee trade held entirely aloof from these mixtures and refused to sell them; but they were later on given the alternative under these legal decisions, either of selling French coffee or of losing their business altogether. Of course the use of chicory by grocers has always been within my experience; there has always been some admixture, and there is no doubt that a large proportion of the public prefer a certain amount of chicory. My only contention is that there ought to be a limit to that.

5763. Your experience in your own firm has led you to that conclusion, has it not?—Yes; my firm's trade is mainly in whole coffee, either green or roasted; but we have been driven by competition to sell tinned coffee containing chicory; but in our price list we place beside the quotations the proportion that has been added of chicory. We also supply our customers with labels which they can apply, if they feel disposed, to each tin of the coffee we send them. In my firm's case the full statement of facts undoubtedly greatly militates against the sale of our tinned coffees, because other competitors sell them without any declaration at all.

5764. And you think that in your case your experience is that the declaration of the percentage of coffee contained in your mixtures is detrimental to you?—Because we are the only firm that do it so far as I am aware. If other people were placed in the same position I do not think it would interfere with anyone any more than when you declare the strength of spirits. We have been in the habit of marking the strength of spirits in our price list and on the bottle for many years; and that applies to everyone, therefore it is injurious to no one. We want equality in the matter.

5765. And, in fact, you want to protect the honest trader as well as the public in this matter?—Yes.

5766. Do you think that by specifying on the labels the proportions of chicory and coffee the public would be protected and the honest trader also?—Yes.

5767. You think that the present system really legalises fraud?—I a little draw the line at the word "fraud." It is difficult to say what is fraud under the present law. I think it ought to be fraud, but I think that people's consciences have been so weakened by the elastic state of the law that it is very difficult to say where fraud begins. But it is a gross abuse. I think it is a legalised fraud; that is the word I should like to call it.

5768. A legalised fraud which is a disgrace to the country?—I certainly think so, personally.

5769. And you think it is also injurious, not only to the honest dealers in this country who supply to the public an honest article but also injurious to the coffee growers?—I think it is highly injurious to the coffee growers, particularly to our own planters, who grow the better sorts of coffee.

5770. How is it injurious to the coffee grower s

Chairman—continued.

—By tending to decrease the consumption of coffee, and driving the public on to other things.

5771. Is it because the substitution of chicory for coffee has lessened the market for all genuine coffee?—Yes; and it also disinclines people to buy coffee at all, because they obtain a substance that does not have any stimulating effect upon their nerves.

5772. The price of coffee has gone up, has it not?—Yes, of late years.

5773. Do you not think that is a barrier to its general use by the poorer population?—Certainly. I do not think coffee will ever take the place of tea.

5774. How would you meet that without mixtures?—I have no objection to mixtures under another name. If the substance were called by a different name, I have no objection whatever to offer to mixtures.

5775. Then you would probably suggest something of this kind: that a certain percentage of coffee and chicory should be called coffee?—Yes.

5776. Say 75 per cent of coffee, and 25 per cent of chicory, you would call "coffee"?—Yes.

5777. I am simply taking these figures for convenience sake?—I should propose that up to, say, one-fourth or one-third (the proportion to be fixed by the Committee) chicory might be added, with a declaration on every label, at the time of retail sale, of the proportion of added chicory. Up to the 25 or 33 per cent., I should allow the mixture to be sold as coffee, so long as the addition of chicory was sufficiently prominently stated on the labels. If more than 25 or 33 per cent. of chicory were added, I should not allow the mixture to be sold either as "coffee" or as "French coffee"; but I should propose that the mixture should only be allowed to be sold by some such name as coffeine, and that the so-called coffeine should bear upon it the proportions of chicory or other ingredients. Of course the word coffeine is a suggestion simply. I do not attach any importance to that. If a name such as chicorine were selected, with no direct or indirect reference to coffee, I think the declarations of the ingredients or their proportions would not be necessary, so long as it did not purport to be coffee.

5778. So long as the term "coffee" was left out, you would not compel them to put the proportions of the ingredients on the label?—No.

5779. You heard the other witnesses refer to the analytical difficulties in connection with specifying these proportions; do you agree with the existence of those difficulties?—I do not. I think very likely there are difficulties in analysis, but I think the analysts as a body are a capable class of men, and they would certainly make allowances for the fallibility of their methods of detection. I think also that the defending counsel would make the most of them. I think, again, that the magistrate would make full allowance for them. And, finally, I should propose an appeal to Somerset House, or some other laboratory, where, again, there would be full protection to the retailer. I should also allow the use of the word "about," as is used in spirits.

 5780. That

Chairman—continued.

5780. That is to say, you would allow them to take into account slight variations, say from 75 to 85 per cent.?—Not so large as that. I would allow a margin of five degrees, or something of that sort.

5781. Then I understand you to go this far: that you think the specification on these labels of the composition of the mixture would not be injurious to the trade, and decidedly beneficial to the public?—I do not think it would injure trade in the slightest degree.

5782. Is cocoa much adulterated in your opinion?—Cocoa is one of the favourite vehicles for so-called admixtures, but the practice of adding various starches and sugars to it is so extensive and well known, that it can hardly be regarded as adulteration.

5783. Then you would not put that quite on the same level as the admixture as coffee and chicory?—No, cocoa is a manufactured article; coffee is not. Coffee is the natural product; but before the natural product of cocoa reaches the public there is, no doubt, that in some form or other it must be prepared, because although you can have cocoa nibs they are so tiresome to prepare and so bitter in taste, that the consumption of cocoa, if cocoa nibs only were used, would be almost impossible. I believe, however, that any additions, without full declaration of the proportions of the admixtures and of the constituents used, are most undesirable from the public point of view. The substances used are arrowroot in the better cocoas, and sago, flour, farina or (potato starch) worth 1*d.* or 1½*d.* a lb., to the lower qualities. Genuine cocoa is a very high priced commodity. Latterly it has been stated that alkalis have been added to cocoa. This practice, if it exists, should be looked into, and if the admixture be found it ought certainly to be rendered illegal unless the addition of alkali be declared. If the alkalis are unwholesome their use should be prohibited altogether. Beyond a proportion to be fixed by the Committee, I should not allow admixed cocoa to be sold as cocoa, but should require it to be labelled with some other name. I should say with regard to that question about the declaration of alkalis that I am simply led to that opinion by seeing the evil effects of admixtures already allowed in other goods. I think that the law ought to wink at no more admixtures. The difficulties that have arisen with cocoa, coffee, and mustard, the enormous number of prosecutions that have taken place, the difficulty of defining the law, the difficulty in informing the poorer class of retailers as to the exact requirements of the law, all these matters create such a difficulty that the law ought, in my opinion, to allow no more admixtures. It may sanction them when combined with a change of name. That is another matter. I have no objection to any wholesome commodity being sold so long as it does not purport to be another.

5784. Would you go so far as to have a change of name for all these mixtures?—Certainly, beyond a certain proportion.

5785. So that the public would know when they bought coffee that it was coffee and not coffeine, that it was coffee and a certain proportion of another ingredient?—Yes.

5786. The same with cocoa?—Yes.

Chairman—continued.

5787. The same with mustard?—Yes.

5788. The same with all articles sold in a mixed state—Yes; only in concession to the weakness of the law hitherto. I should allow the established commodities to have a certain license. I would allow the names "coffee," "cocoa," and "mustard" to be used so long as only such a proportion as one-third or one-fourth (as may be fixed by the Committee), was not exceeded.

5789. Do you not think that some of these articles stand on a different level to others; for instance, you admit yourself that cocoa in its natural state cannot be used as well as coffee in its natural state?—Yes.

5790. And the same would apply to mustard, would it not, even to a greater degree?—Personally I have a great objection to pure mustard. I do not like it at all.

5791. Under those circumstances the public taste and the exigencies of commerce having legitimated certain mixtures, you want to place them in a different category from those not legitimated?—That is what I propose, that some percentage should be fixed by the Committee which would not amount to abuse, and that in these articles the names "coffee," "cocoa," and "mustard" should continue to be used; but I should not allow that to be extended to any other article.

5792. Then in these mixtures at present, both with regard to coffee and chicory, and with regard to cocoa and additions made to manufactured cocoa, there is great room, on account of the differences in prices, for obtaining an illicit profit, is there not?—Most distinctly.

5793. Could you give us any illustration of that?—So-called cocoa at the present moment is being sold at 32*s.* a cwt., prepared cocoa packed in barrels, that is to say; and the same with coffee. There is no doubt that the use of the so-called coffee has led to very great abuse indeed towards the public, inasmuch as they have bought a substance which contains in many cases 80, 90, and 95 per cent. of chicory, believing they were buying coffee. And that is a proportion which I think indefensible. I think that whatever this Committee does, it ought to put a limit to all these things. These organised abuses are simply legalised frauds.

5794. For instance, in the case of cocoa, cocoa may be sold now at 3*d.* or 4*d.* per lb., I think?—Yes.

5795. Which is considerably less, is it not, than about one-third of the cost price of the pure article?—No; the pure article used for roasting purposes, I should think, good cocoa, cannot be sold under very much more than that.

5796. So that the difference in the price allows a wide limit for admixtures for the purpose of obtaining profit?—That is so.

5797. And that, you think, is a temptation which ought to be prevented by a more rigorous law, and a more rigorous administration of the law?—Certainly.

5798. I think you have been for many years connected with the grocery trade?—I have been 35 years connected with the grocery trade in my present firm, who are wholesale grocers.

5799. During

Chairman—continued.

5799. During the whole of that time has your attention been directed, more or less, to this question of adulteration?—Very strongly directed in that direction.

5800. It affects your trade, I suppose, almost more than any other?—It affects the trade very much indeed.

5801. Do you think that the Act of 1875 has been useful?—The Act of 1875 was, it seems to me, well meant, but is no deterrent to crime, not being sufficiently stringent and far reaching, so far as the spice trade is concerned, as there has been more adulteration since it passed than ever before.

5802. That is the spice trade only?—That is in the spice trade particularly. I draw a distinction between adulterations and these admixtures. I think they have also increased, but I do not remember those adulterations. The "Lancet" a good many years ago made an inquiry as to the state of food supplied throughout the land, and they found an extraordinary amount of adulteration. In the old days, before the "Lancet" inquiry, the adulterators worked on a small scale, and were more or less bunglers. They are now men of science and work wholesale, and, having microscopic and chemical analysis to dread, they use their knowledge to defeat the checks which science places upon their criminal practices. Attention once directed to the subject, it has been found that the analysts, in the present state of analytical research, are easily misled, and that large profits can be made by misleading him.

5803. In fact, you have to set science to catch science in this case?—That is it.

5804. Do you think that this condition of things exists abroad as well as in this country?—I do not think so. I have not been able to fully inform myself as to the state of the law in France and in Germany, but, so far as I can see, the law is much more stringent in both those countries than it is here.

5805. Does your answer refer to groceries only?—I think it applies to all articles of food.

5806. We have had evidence before this Committee of extensive adulterations in cheese particularly, not made wholly abroad, but to a great extent?—Are they not made for this market?

5807. I am asking you whether the adulteration of food, as imported from abroad, is prevalent in your particular trade?—I think you are now alluding to the United States, where they have no adulteration law, or else a very lax one indeed. In France and Germany, I think, the law is very much more stringent than it is here.

5808. And you do not obtain the articles more especially connected with your trade from America?—We do not deal in provisions that come from America.

5809. And it is chiefly in regard to provisions that your remarks apply?—Certainly.

5810. Are there any direct adulterations in the spice trade?—I wish particularly to draw attention to the adulterations of pepper and ginger. Both of these are imported spices of high dietetic value, and although their imports may not be nearly as large as other food products, at the same time they play an important part; and I believe that the universal craving for spices and other condiments shows that they perform a useful function in dietetics. Both these substances are easily adulterated, and the profits to the adulterators may easily be large.

5811. What are the imports of these commodities?—According to the Board of Trade Returns, the imports for 1893 of pepper were 31,562,418 llbs., worth 433,696*l.*; and of ginger, 6,913,984 lbs., worth 181,181*l.*

5812. This pepper comes to us in two forms, does it not, black and white?—Yes.

5813. Can you describe the differences between black pepper and white pepper?—The peppercorn of commerce is grown upon a creeper or vine, which is cultivated in the Malay Archipelago and elsewhere. I believe that the fruit, when ripe, forms a bright red berry, and that the peppercorn is the seed of the plant. The difference between black and white pepper is that the former contains the whole corn, whereas in the latter the outer or black husk has been removed, leaving only the white inner portion or kernel. The peppercorns, after picking, appear to be dried in the open air and on earthen floors, so that the rough corrugations of the outer husks of the berries take up a greater or less proportion of dirt, which is more or less difficult to get rid of. Some time back some ingenious Chinese growers in the neighbourhood of Singapore hit upon the idea of moulding imitation peppercorns in clay and mixing them off to a large degree with a parcel of white pepper. The fraud was happily detected (though somewhat difficult of detection) before the pepper was sold at auction in Mincing-lane, and the parcel was, I believe, after a protest from the spice trade, withdrawn. What became of it I do not know, but I suppose it was shipped back to the exporters.

5814. Have you had any repetition of that ingenious fraud?—No, I think it was not found sufficiently profitable.

5815. Then there are husks on this pepper, are there not?—The outer shell is called the husk, the removal of which was always formerly done in the pepper-growing district, while the berries were green. Of late years, however, it has been found more profitable to remove the outer husks here by the process called decortication. By this process the outer husks are simply cracked without materially breaking the inner portion. The husks and broken pepper are then removed by sifting. The white kernel, so prepared, has a somewhat better (or yellower) tinge of colour than the original method of removing the husk green gives. The yellow tinge has been so much appreciated that a process of dyeing ground white pepper yellow has latterly been put into practice here.

5816. Do you mean to say that the public taste prefers a yellowish to a white pepper?—I do not think the public know anything about it; they use the pepper from the pepper castor and never see it; but the retail grocer, with no full knowledge of spice, likes the yellow colour and is attracted by it; and the result is that his wishes are met by adding a small portion of turmeric, to dye the pepper of the colour he likes. I think

Chairman—continued.

it is a very harmless process, but it is, in my opinion, objectionable. I think that the colouring of goods is another question which ought to be under public control, as it is in France, and I believe in Germany.

5817. Then this colouring, as I understand you, has grown up purely on artificial or almost accidental grounds?—Yes.

5818. And it has not been done in order to meet the public taste?—Not at all.

5819. Nor to make it resemble the pure article?—No, it is simply because decorticated pepper, after the husks have been removed here and the inner kernel ground in a dry state, gives a somewhat faded or yellow colour, which was found to be appreciated, and the result was that other pepper had to follow it to a certain degree.

5820. And you think that that colouring is not a desirable process?—I think that those subjects ought to be under Government control.

5821. Have you anything to say as to the use of pepper husks?—When the pepper was husked abroad I suppose that the husks were thrown away; at any rate they were not sent into commerce in this country. When pepper is decorticated here, however, the husk forming so large a proportion of the corns is a costly commodity and has to be used in some way. Up to a certain point there is no doubt that husks may be legitimately used, especially as they contain, as it appear to me, a large proportion of the aroma and flavour of the pepper; it becomes, however, a different question when the husks are created in large quantities in the manufacture of white pepper here through decortication and are used to mix off with black pepper.

5822. And in that way an impure article is put upon the market?—I think it is an article that in some way ought to be limited. It is like mixing bran with flour and saying that it is all flour. The use of the inherent husks of black pepper when the berry is ground, as imported and sold as black pepper, is of course a natural and proper operation; but I think that the extraneous husks created by decortication ought not to be mixed off, without declaration, with other black pepper. In our own case we have sold these husks under their own names at a correspondingly low price. We have also sold them mixed, half pepper and half husks, also with a declaration to the purchaser. The buyers, however, object to purchase husks in this way, and declare that they can get the same commodities elsewhere invoiced as pepper, whereas we invoice them as pepper husks. I think we ought all to be in the same boat in this sort of practice.

5823. What is the difference of price in that case?—Very great, indeed; it is about half price.

5824. That is to say, you could sell to the purchaser ground black pepper with pepper husks at about half the price of genuine white pepper?—Yes. This is one of the many points which are not exactly adulterations on which some authoritative interpretations of the law are desirable, so that all traders may understand the limits of what is considered to be proper.

5825. Those pepper husks contain some of the aroma, you admit, of the pepper?—Yes; personally, if you ask my opinion, I think black pepper is much better than white; it has much more aroma and flavour.

5826. Then black pepper by itself is one article, but black pepper mixed with these husks is another?—That is my point.

5827. Do you think that black pepper with husks is as good as either black pepper or white?—No, I do not.

5828. It is an inferior article as regards pungency and general effect, is it?—I should say so distinctly.

5829. Is black pepper adulterated in any other way?—Black pepper for many years has been one of the favourite vehicles of adulteration, but one difficulty connected with it is that of dirt. The peppercorn is extremely corrugated; it is dried on earthen floors, and is apt to take up a certain amount of dirt, which it is extremely difficult to remove.

5830. And, if the husk is ground up, that dirt is contained in the resulting powder?—Yes, and in many cases that dirt exceeds a fair proportion on import. I think that a standard should be fixed by some public authority, and that any parcels found to exceed that proportion on import should not be allowed to be dealt in. That is not, I believe, a difficult matter; it is done for their own protection by some portions of the wheat trade. They employ an eminent analyst, who analyzes parcels when they are brought in; and if more than a certain proportion of dirt is found, they are not allowed to be sold at public sale.

5831. So that, if you had pepper samples coming over here, of which the husk contained a large proportion of earthy matter, you would forbid the entry of those parcels?—I would have them seized at the port of import.

5832. By the Customs?—Yes. That is my scheme throughout. I think that the fountain head should be gone to in regard to adulteration.

5833. You think that the great point is to stop them at the port of entry?—Yes, certainly, instead of going to the small shops. This applies to a number of other extraneous matters. If a few months' notice were given, so that growers might be communicated with, there would be no hardship at all in issuing an order to this effect. Pepper has always, for some reason, been a favourite vehicle for adulterations of all sorts. I believe that at the present moment it is being heavily adulterated with some substance which is unknown to me, and which the analysts hitherto have been unable to detect. I have come to this conclusion because we are undersold in some qualities of pepper to an extent that we know to show absolutely unfair competition.

5834. You do not think that that competition can be owing to the use of husks?—No; certainly not.

5835. The admixture of the husk with pepper, I mean?—No, it is white pepper.

5836. Are all the husks of this pepper dark?—Yes, very black.

5837. Both of white pepper and black pepper?—White pepper has not any husk. The husk is the outer shell, which is cracked off.

5838. Then

Chairman—continued.

5838. Then there is a substance in the market called poivrette; can you tell us anything about that?—There was such a substance, and I believe it is still being used. A few years ago an Italian firm made offers to the chief wholesale houses of a substance which they called poivrette, which was extremely cheap. It had absolutely none of the properties of black pepper, but had the advantage, from the adulterators' point of view, of not being detectable by the microscope. Messrs. Peek Brothers and our own firm put ourselves in communication with various analysts, but for a considerable period of time no means were found of detecting the admixture of poivrette with pepper. Eventually, however, the analysts were enabled to detect the fraud, and thereupon a number of small retail buyers in Liverpool and elsewhere were punished for the sale of pepper mixed with poivrette, though it was in most of the cases quite certain that they had bought the admixture in good faith as pepper, and could not possibly have either performed the fraud or have been able to detect it. After those prosecutions, I believe that the use of poivrette (which consisted simply of worthless ground olive stoves) was discontinued.

5839. That, you say, is an illustration of the necessity for some modification of the law by which the original manufacturer or wholesale dealer should be reached, and not the retailer?—That is my strong point throughout. I think the law begins at the wrong end of the stick. I think that the people who have been prosecuted hitherto have not been the real offenders; in most cases they are completely innocent. The bulk of the prosecutions have been for the sale of these "admixtures": in common parlance, mustard, coffee, cocoa, and all the admixed substances. An inspector goes into a small shop (because these prosecutions almost always take place in the case of small shops), takes the opportunity when the wife or some little boy or little girl is behind the counter, he walks in and asks for coffee, cocoa, or mustard, and is perfectly innocently supplied with the article familiarly known by that name. I think it is the fault of the law as much as of the retailer, by allowing such laxity in nomenclature.

5840. You think that when the State first determined to look after questions of adulteration it began, instead of letting the buyer take care of himself, by apparently interfering with the retail dealer?—Yes.

5841. And you would say that the retail dealer cannot take care of himself any more than the public can?—I think he can to a greater degree, but not entirely so.

5842. And you think that the State ought to go a step further and go to the fountain-head, to the man who either manufactures these things or imports them?—Yes.

5843. And stop them there?—Yes.

5844. And not prosecute the small, weak people, but prosecute the large people?—Yes; but only for their own offences. I would not give up the present system of prosecution; but, as a matter of fact, if these adulterations were attacked at the fountain-head there would be very few prosecutions. Allow me to give you an instance in point: At the time this Act was introduced the tea trade, knowing that the Chinese were very clever in all sorts of sophistications, requested that tea should have a special treatment dealt out to it, and should be inspected on import. The result of that has been that the whole of the then prevalent adulterations and undesirable practices in tea have been completely stopped, and there are now hardly ever any seizures of tea on import. There are no prosecutions in the shops, but if there are any adulterated teas imported they are stopped on import, and the person who profits by the fraud is the one punished.

Chairman—continued.

Mr. *Frye.*

5845. There was no end of difficulty in the tea trade before that, was there not?—Yes.

Chairman.

5846. That is to say, that tea was a very adulterated article before that system was adopted?—It was an adulterated article prior to import. In my experience it was never adulterated in this country, though I know there was a good deal of slanderous statement on the subject.

5847. And you think that the same system which has been so useful in checking adulteration of imported tea might with advantage be applied to other articles?—Yes.

5848. White pepper, you say, has been adulterated with rice-flour occasionally?—Yes, there have been frequently prosecutions for that offence, the rice being easily detectable by the microscope. That is a very profitable fraud, and is still continued. White pepper has also been, up to quite recently, much adulterated with a substance known as long pepper, which has no connection with pepper, except the name, and which is properly used as a pickling spice. On attention being drawn to this fraud by my firm, the public analysts found that it was easily detected by warming the sample, as long pepper has a characteristic and very disagreeable odour. This discovery put a stop to that particular form of adulteration.

5849. And that has ceased?—That has ceased, so far as I know.

5850. You have something to say also about adulterated ginger, have you not?—The adulteration of ginger is a very important matter for my firm, and the real ginger trade of the country is being most seriously affected by the adulteration which is going on. The refuse left after the fermentation of ginger, in ginger-beer making, which has lost almost all its strength, or after exhaustion by steeping in spirits for cordial making, is largely used to be mixed off with unexhausted ginger, and ground together to reduce the price.

5851. Is this ginger of less pungency?—This commodity contains from a third to one-half only of the strength of proper ginger, but it unfortunately imparts a better appearance to a sample than when unexhausted ginger only is used, because it lightens the colour of the refuse. It makes it look a prettier colour, and unfortunately in purchasing spice, people are a great deal guided

Chairman—continued.

guided by the eye, when they ought, of course, to be guided by the palate.

5852. And you think that the increase in the consumption of ginger beer from the diffusion of temperance principles has led to this evil in the adulteration of ginger?—I think so to a very large and increasing extent; and so much so that the proper ginger trade is being destroyed.

5853. Is this refuse ginger not only used in this country, but exported?—It is largely exported to the colonies, to the continent, and to America.

5854. And is having a deleterious effect there?—That I do not know, but I should think so. In my opinion, it is a fraud exactly similar to what it would be to sell exhausted tea leaves after they had been used under the name of tea.

5855. Are you aware of that fraud you allude to in tea ever having been perpetrated?—No. I believe there was a case a short time ago that the Customs discovered and immediately stopped.

5856. Where exhausted tea leaves were made up again and attempted to be sold?—Yes. The Customs found out it was being tried on a small scale, and they immediately pounced upon the importers; but, with regard to ginger, the fraud is committed on an immense scale; that is to say, in proportion to the size of the trade; and the wholesale perpetrators or grinders have had the courage publicly to defend the practice.

5857. On what grounds?—They stated that it was all ginger, and that the difference between exhausted ginger and unexhausted ginger was not greater than the difference between the lowest qualities of ginger and the finest, which was not true in my opinion; but that was their line of defence.

Mr. *Frye.*

5858. Your refer, I think, to what is called spent ginger?—Yes.

Chairman.

5859. Did the analysts, do you think, know about these facts?—They did not, and that is one of my main complaints about this Act, that the analysts do not become aware of these facts unless their attention is drawn to them by the people, who ought to be defended by them, and not to have to teach them their business, as it were.

5860. You think that the analysts ought really to be on the look-out for these frauds of their own motion?—Yes, I certainly think so; but under the present state of things (I shall propose a remedy later on) they are unable to do so. I do not impute blame to them; it is from existing circumstances; they have not sufficient means or time.

5861. You think that there ought to be an intelligence department to deal with this question?—I think there ought to be an experienced intelligence department, say, at Somerset House, who would look after all these doings by importing or manufacturing firms, and so on. Even after the attention of the analysts was drawn to this particular fraud, they were not in a position for a considerable time to detect the fraud, and its detection is, even now, not clear or easy.

Chairman—continued.

5862. In the meantime grocers have been fined, have they not?—There have been many prosecutions of retail grocers who have bought in good faith exhausted, or partially exhausted, ginger; but the wholesale house, or houses, who is, or are, the chief offender, has not been proceeded against in any way. In several cases the grocers have been fined; but in another case, recently decided at Gateshead, the magistrates have acquitted the grocer. It is not clear in the judgment whether the acquittal was on the ground of a warranty, or whether it was due to the fact that the magistrates accepted the argument of the counsel for the defence, that ginger was not a food. This is a point of very great importance, for if ginger is not a food no other spices or condiments are articles of food, nor are tea, coffee, cocoa, or similar commodities.

5863. How do you think that that question ought to be settled?—I think that this Committee ought most distinctly to decide that articles of food and drink should include all matters used in their preparation or manufacture. You are aware, no doubt, that the point arises under a baking-powder case in which alum had been added to baking-powder. The county council of some Welsh county took up the case, and it was carried from court to court, and taken to the Court of Appeal, where Mr. Justice Hawkins held that, although alum might be an undesirable thing, yet as baking-powder was not a food, therefore it did not come within the scope of the Act.

5864. And those things, you think, require definition in any future amendment of the law?—Yes.

5865. In addition to the refuse left after fermentation for ginger-beer making, is a good deal of exhausted ginger also produced in other ways, in drug making?—Yes, for cordials and essences.

5866. Is that refuse also used?—Yes, and it is even more worthless than the refuse left from ginger-beer making, because the essential proportion of the ginger is extracted with the spirit in that case.

5867. I think you have something to say with reference to the prosecutions of retailers under the Sale of Food and Drugs Act?—So far as I can form a summary of them, I should say that three-fourths of them have been for the sale of so-called admixtures. These admixtures form a class by themselves. I am afraid I have rather anticipated a portion of this.

5868. In fact, the admixtures are those you have been describing as coffee, cocoa, and mustard?—Yes. These admixtures form a class by themselves, and deal with what I should describe as semi-legalised adulteration. The commodities in question are coffee, cocoa, and mustard. I propose to deal with them separately, but to preface my remarks by saying that the present law is a most unsatisfactory one from the public point of view. If these additions to other substances are advantageous, there can be no objection (from the manufacturers' point of view) to tell the public the amount of the additions. If, on the contrary, the admixtures are not advantageous, the public are entitled to know with what they are being supplied. As regards coffee and cocoa, I have been asked to represent one portion of the

Chairman—continued.

the views held by the coffee and cocoa section of the London Chamber of Commerce. Evidence from that section will also be offered to the effect that the present state of the law is quite satisfactory. The members not being agreed on this point, it was arranged to give evidence on both sides of the question. In my opinion, the present law is in a very unsatisfactory state. I think that the declaratory label now allowed with these admixtures generally is altogether insufficient for the purpose of protecting the public. I say that with a good grace, because I believe I was the inventor myself of them originally, at the time the original Act came out.

5869. The inventor of the mixtures?—The inventor of the declaratory labels.

5870. And you think that the labels hitherto used are insufficient?—Yes.

5871. And you contend that they ought to contain more specific information for the protection of the public?—I contend that the extent of the mixture ought to be declared, and the name to be altered, if the mixture exceeds a certain proportion.

5872. Then I think we may go on now. Have you anything to say with reference to mixtures connected with mustard? — Nothing more than the general remarks which I have made, except to qualify the objections I have made to mixtures generally, by the fact that I do not like, personally, pure mustard at all; I like an admixture; but I think I am entitled to know how much flour I am getting in it, so that I may make my choice.

5873. Then with regard to mustard, while you admit the necessity for its being sold in mixture, you would like to know the proportions?—Certainly; I was speaking there as one of the public.

5874. Do you not think that that would interfere with the trade sales possibly?—I do not think so. I think if it is a disadvantage the public ought to know it, and if it is advantageous the manufacturer can have no objection to declaring it.

5875. And you would like to know whether 20, 30, 40, or 50 per cent. of the article is mustard?—Yes.

5876. Is turmeric used in connection with this admixture in mustard?—I believe it is used for colouring the flour, but that is simply like dyeing anything else. I have no objection to that.

5877. You do not think the colouring of articles of food is a practice that ought to be stopped?—I do not; but I think it ought to be under Parliamentary control, as it is in France and Germany.

5878. There ought to be a standard of colouring adopted, you think?—Yes, and also of the substances to be used.

5879. Are you aware of any difficulties in the way of the declarations of the percentages in admixtures?—As regards the difficulties in declaring the percentages, I believe that their calculation by analysts is admitted by them to be only approximate. I also believe that it is difficult, commercially, to make an entirely homogeneous mixture.

5880. Then, are those difficulties sufficient in your opinion to necessitate the abandonment of the declaration of the percentages?—They are not. In the first place, the analysts knowing that they are not infallible, and that their tests only profess to be approximate, would be careful to allow a margin for error. Then as I said before, the counsel would help the defendant in such matters, and the magistrate would also be aware of it, and there would be an appeal. In any case, I think that if the law continues to permit additions of foreign commodities to foods under a declaratory label, for the protection of the public (in return for so great a concession) the manufacturers ought to take any little risk there may be (and I think it would be a very small risk) of any error in analysis. The alternative, to my mind, would be to treat all these practices as adulterations, and for the law to say that, for instance, chicory should only be sold separately from coffee. It might be desirable to allow the use of the word "about" before the percentages on packages, so as to cover small deviations.

5881. Or you might have a limit of five degrees deviation from the percentage fixed by law, so as to allow the article to come within that limit?—Yes.

5882. Are caraways an article of commerce you are familiar with?—Yes.

5883. Are they adulterated?—Large quantities of caraways are imported to this country after the essential oil has been expressed, and these exhausted caraways are mixed off with unexhausted ones and sold whole or ground. Exhausted caraways should certainly not be allowed to be sold as caraways. It is the same question as with ginger. Recently at the public spice sales, semi-exhausted or drawn caraways were offered, but on the protest of several members of the trade, including my own firm, the lots were withdrawn. No doubt they were sold privately afterwards. I am told that there is a very large trade in exhausted caraways in this country.

5884. Is the oil of caraways an article of commerce much used in this country?—I do not know, but caraways are an imported commodity after the oil has been extracted.

5885. The same process, I think, is applied to linseed, is it not?—It has been, but I am told that that has been checked under the Fertilisers and Feeding Stuffs Act.

5886. And that form of adulteration is not prevalent now, you think?—So I am informed, but I am not practically acquainted with that.

5887. Is there any further form of adulteration to which you wish to refer?—Recently cinnamon has been found to be adulterated with ground walnut shells which are absolutely valueless. Of course ground walnut shells would have a very similar colour?—I should like to mention that there was a case last week in which cassia was found to be adulterated with spent ginger. All these things are done wholesale, that is my point, without the retailer knowing anything about them.

5888. All these sophistications are really the work of the wholesale dealers, and the retailer knows

Chairman—continued.

knows nothing about them?—Yes, of which the retail buyer has no knowledge whatever.

Mr. *Frye.*

5889. But he generally gets punished for them, does he not?—Yes.

Chairman.

5890. Are mace and nutmegs adulterated?—Mace and nutmegs are not directly adulterated, but commodities bearing the same name are mixed off with them, namely, the so-called wild mace, and wild soapy nutmegs. Mace is the natural covering of the nutmeg; but the so-called wild varieties to which I am alluding, grow on an entirely different plant to the nutmeg of commerce, and have, I believe, none of the qualities of that plant. Nevertheless, bearing the name, the mace has been mixed off in grinding with the true mace to a considerable extent.

5891. Have you any illustration of wooden nutmegs having been made?—I think it is not necessary with the so-called soapy nutmegs.

5892. Why?—Because they are very greasy to the touch and are grown on a different plant altogether.

5893. And they can be obtained cheaply enough and in sufficient quantities to render the making of wooden nutmegs unnecessary?—Yes. In my opinion the use of both these substances ought to be put a stop to.

5894. Then where would you stop them; at the port entry?—Yes.

5895. Do you know of any adulterations of arrowroot?—The arrowroot of commerce grows, I believe, on a variety of plants, and it is therefore difficult to say what is arrowroot and what is not. One commodity used to mix with arrowroot is certainly an adulteration, and that is farina, or potato starch, which I believe is used to a considerable extent, but which should be certainly put a stop to. Another adulterant is tapioca flour.

5896. These are added to arrowroot, and deteriorate its quality and cheapen its price?—They reduce its price.

Mr. *Frye.*

5897. I suppose the retailers would not know that without sending it to an analyst?—The retailers would not know it, it is done with such skill.

Chairman.

5898. Are there no naked eye characteristics by which it can be detected?—No.

5899. Do you know of any adulterations of oatmeal?—The fact of the adulteration of fine-cut oatmeal with barley meal has recently come under my notice. In this case, the peculiarity was that the fraud could not be brought legally home to the miller, although he had evidently committed it, and also that a large quantity of adulterated oatmeal of his lying in London at a public warehouse could not be seized or dealt with by the public authorities, because, finding that his adulterations were detected after he had consigned the goods, he instructed his agent not to offer them for sale, which stopped their being seizable. I should state that that was our own case. We found that this oatmeal had been

Chairman—continued.

adulterated; we thereupon defended the grocer, and pointed out that upon analysis we found that the oatmeal had been adulterated by the miller. We found that he had other oatmeal lying there, and we tried to get it seized by the City analyst, but he told us he had no power to seize it.

5900. Have you anything to say with regard to baking-powder?—I have mentioned that just now.

5901. Have you nothing to add?—No.

5902. Liquorice is another article of commerce; is that, to your knowledge, adulterated?—Liquorice is not, strictly speaking, a grocery, but it is largely sold by grocers, and my firm has been for many years much interested in its sale. It is, or should be, the natural sugar of the liquorice plant, and the best qualities are grown in Calabria, in Southern Italy. Large quantities of French liquorice are also imported, marked on the sticks "70," which means, I believe, that they contain 70 per cent. of adulteration; that is under the French law, which necessitates that. These are allowed to be freely sold in this country, and come into competition with the genuine liquorice, thus materially diminishing the demand; because when people find that liquorice does not melt completely in the mouth, as it should do, but leaves a disagreeable, gritty sediment behind, they abandon its use, particularly now that various preparations made from cane sugar are sold cheap and good. The result is that the sale of a valuable demulcent is greatly injured, and the liquorice trade of this country is suffering. There has also recently been a most unfortunate decision by one of the Metropolitan Police magistrates to the effect that while, if you ask a chemist to supply you with liquorice, he is bound to give you pure liquorice, yet, that if you go into a confectioner's and ask for liquorice, what you must expect to get is pipe liquorice, an almost worthless substance, largely adulterated, I believe, with farinaceous matters, gums, &c.

5903. You think that that defect in the law ought to be altered?—Certainly. I think the law ought to provide that pure liquorice ought to be obtainable, either in the shop of a chemist, a grocer, or a confectioner, and that nearly worthless imitations should not be allowed to be sold by any one as liquorice. It is also to be remembered that liquorice is a very important element in medicine, in the making up of prescriptions. It is thus a substance specially calling for protection against adulteration.

5904. Now, of course, that was the decision of an individual magistrate in that case?—Yes.

5905. And it requires consideration rather by way of administration of the law than by the alteration of the law itself?—Unless the law were to declare that wherever goods are sold they must be of the same quality.

5906. Quite so. There are now certain oils that are used as foods; are these adulterated?—I believe that salad, or olive oil, is largely adulterated with cotton and other oils. Inspection on landing of this imported produce would very readily put an end to the practice.

5907. Certain tests would easily discover these cotton oils?—Yes.

5908. Tea,

Chairman—continued.

5908. Tea, you say, is not adulterated?—No; we have dealt with that; nor is sugar.

5909. And you have nothing to say with regard to sugar?—No.

5910. Have you anything to say with regard to beeswax?—So-called beeswax is extensively sold in Mincing-lane, containing as much as 50 to 60 per cent. of paraffin wax.

5911. Do you consider that beeswax is an article that comes in the grocery trade?—Grocers sell a good deal of beeswax. Prosecutions have taken place for the sale of this as a drug. The people punished have not been the importers, but retailers who are ignorant of the facts. We have had illustrative cases of that ourselves. We have ordered and bought a parcel of beeswax, as we believed it to be, which was sold to us and invoiced as such. When the prosecutions came on we had it analysed, and we found it adulterated; we endeavoured to get redress and were refused, and up to the present time we have not been able to get redress. At the present moment we are engaged in bringing an action in the High Court for damages.

5912. Grocers also sell tinned peas, do they not?—Yes.

5913. Are they adulterated?—They are not adulterated, but coloured.

5914. Are they coloured with copper?—They are coloured to a certain extent with sulphate of copper. In cases before the magistrates there have been contradictory decisions. A standard should, I think, be fixed, and all peas that did not come up to it should be stopped from entering into consumption.

5915. What do you mean by a standard in that case?—By the colouring clause, which I am

Chairman—continued.

desirous to see, the amount of copper should come under the control of Government as to the proportion of copper that may be added as not being injurious to health.

5916. Then you would allow them to add some copper?—Yes, if it was found to be innocuous.

5917. Copper is a very potent drug, is it not?—I would stop it altogether then, and we should all be in the same boat.

5918. You think that the addition of anything, to improve the colour, that might be injurious to health should be stopped?—Yes.

5919. And you do consider that at the present time peas are introduced into this country and sold which are coloured by the addition of sulphate of copper?—No doubt all imported peas are coloured.

Mr. *Frye.*

5920. If you stop the colouring you would stop the sale, I suppose?—Not necessarily, if all peas were of the same colour; but you might find some other substance to colour them with which would be innocuous.

Chairman.

5921. You might find some other colour which would preserve the natural colour of the pea, and yet not be injurious to persons partaking of them?—Yes; at any rate there ought to be the same standard, so that one magistrate should not declare that to be innocuous which another would declare to be harmful.

5922. Those, I think, are all the articles of commerce coming under your special observation which you desire to speak about?—Yes.

Wednesday, 22*nd May* 1895.

MEMBERS PRESENT:

Colonel Bagot.	Mr. Kearley.
Sir Charles Cameron.	Mr. Kilbride.
Mr. Colman.	Mr. Whiteley.
Sir Walter Foster.	Mr. Yerburgh.
Mr. Frederick Frye.	

SIR WALTER FOSTER IN THE CHAIR.

Mr. JOHN INNES ROGERS, called in; and further Examined.

Chairman.

5923. I THINK that the general conclusion to be drawn from the evidence you gave yesterday was that there is a considerable amount of direct adulteration in the grocery trade, affecting certain articles?—That was it.

5924. What are the articles that you specially mention as being adulterated?—I should mention spices, generally speaking; and then there is the broad question of admixture which is not exactly adulteration, but as to which most of the proceedings under the present law arise.

5925. Spices, arrowroot, seeds, and liquorice?—Yes.

5926. And, in addition to that, admixtures connected with coffee and cocoa?—Coffee, cocoa, and mustard; mustard in a lesser degree.

5927. Then there are practices, you think, verging on adulteration?—Yes. Before I begin the general point would you allow me to hand in some resolutions which have been passed by meetings of the Chamber of Commerce? I am not aware whether you have had a copy of them before, but, with your permission, I should like to read some of them. I wish to read them for two reasons: First, because these resolutions, as nearly as may be, give an outline of my own opinions; but I wish specially to hand in the resolutions because they mark a new and important departure, when the merchants, brokers, and wholesale dealers of the City of London are prepared to take the onus of prosecutions for adulterations upon themselves, rather than allow the present unjust and inefficient system to continue.

5928. Will you read the resolutions as briefly as you can?—They are as follows: "That the London Chamber of Commerce strongly disapproving of adulteration in all its forms hereby appoints a special committee to prepare evidence, to be placed before the Parliamentary Committee now sitting upon this subject; this Committee of the Chamber to collect evidence for the various trade sections, and to consider any suggestions they may have to make. That the operation of

Chairman—continued.

the Adulteration Acts should be extended to all wholesale sales by manufacturers, merchants, brokers' agents, and wholesale dealers. That the definition of foods should include all articles used in the preparation of food and drinks. That the Government be recommended to create a fully-equipped central analytical department.

INVOICES:—That an invoice shall be considered a permanent warranty in the case of packed foods, and that an invoice shall also be regarded as a warranty subject to a time limit being specified in the case of perishable goods, and goods in bulk, provided that the warrantor resides or carries on business in the United Kingdom.

TIME LIMIT:—That 28 days be the limit of time referred to in the foregoing.

NOTICE OF TRIAL TO WARRANTOR:—That where a defendant proposes to rely upon a warranty, notice of the fact should be sent to the warrantor within seven days of the purchase of the sample.

PROCEEDINGS AGAINST WARRANTOR:—That the recommendation contained in Clause 25 of the draft Bill of the Society of Public Analysts, dealing with the question of proceedings against the giver of a false warranty, be recommended to the Select Committee.

TRADE COUNCIL:—That it is advisable that a trade advisory and honorary Council be appointed to advise the Government on points connected with adulteration.

GOVERNMENT POWERS:—(*a*) To determine, fix, and vary, with reasonable notice, standards of purity, and to conduct researches into adulteration. (*b*) That the Select Committee be recommended to consider whether it is desirable to confer power to fix names under which foods may be sold, and to prohibit the sale of any foods which may be considered injurious or undesirable. (*c*) That powers should be given to appoint (1) Travelling inspectors. (2) To supervise

Chairman—continued.

supervise the appointment of the analysts. (3) To draw and vary regulations as to the appointment and examination of these officers. (4) To compel enforcement of the Act by local authorities." I think I need not read the rest.

5929. I think that is quite enough?—There is only one other point I wish to clear up; that is, there was a difference of opinion in the Chamber of Commerce on the subject of coffee and cocoa and other admixtures. The trade section dealing with coffee and cocoa was not desirous of any change in the law; but the general body resolved: "That the general committee of the Chamber of Commerce declines to adopt the opinion of the coffee and cocoa trade section that the requirements of the present Food and Drugs Act, in reference to the forms of label, are amply sufficient for the protection of the public. The general committee holds, on the contrary, that the law as to admixtures and their declaration to the purchaser requires to be greatly strengthened in the interests of the retail seller and of the consumer, in the case of coffee and cocoa."

5930. Now, to continue your evidence from the point where we left off yesterday, you think that direct adulteration is not properly dealt with under the existing law. Will you give your grounds for that conclusion?—It is, as a matter of fact, in many cases, not dealt with at all. In other cases, after a deal of mischief has been done, adulteration is dealt with, and with considerable injustice. The retail offender, who has not committed the adulteration, and who very often not only knows nothing of it, but who can in some cases hardly conceivably benefit by it, is punished. The wholesale manufacturer, who really commits the frauds, and benefits largely by them, is left unpunished. Even if he were reached, the fines would be utterly inadequate as deterrents. His stock of adulterated goods should be seized, and he should be punished by imprisonment or by such heavy fines as would render adulteration unprofitable. A man who is dishonest enough to adulterate cares little for the disgrace of detection.

5931. Do you think that admixtures are dealt with properly under the present law?—I do not think so. In many cases where a prosecution has arisen out of adulteration found in the contents of the original sealed packets of the manufacturers, it is the latter and not the retailer who should be proceeded against. In most of the other prosecutions for the sale of admixtures they are due to what may be called tricks. The officers wait till the master of the shop is away, and then step in to ask the wife or the daughter, or someone who looks like a green assistant, for a pound of loose coffee or cocoa, or mustard, naming a price at which the inspector knows the pure commodity cannot be supplied. Owing mainly to the weak connivance of the present law these substances are universally known as coffee, cocoa or mustard, although they contain other ingredients. An ignorant person naturally supplies what he or she believes to be wanted. These prosecutions are practically unknown in large shops, and they are reserved as a rule for very small ones, generally where the wife and children officiate.

Chairman—continued.

5932. Do you not think that is a very grave reflection on a body of public officers?—I make a practice, and I have done for many years, of reading the cases in the trade papers carefully through, and that is the conclusion that has been borne in upon my mind. The larger shopkeepers, of course, are better educated men, and better acquainted with these practices. It is no reflection on the officers. They go in where they can get a prosecution, and it has certainly been strongly borne in upon me that the bulk of the prosecutions under this law are of that character, as they are almost always for admixtures, and almost always for very small shops.

5933. And you think they purposely select what you call a green assistant, or the wife, or the daughter?—I think so, really. It has been borne into my mind from reading a large number of cases. I have read the cases ever since the Act came out. I do not consider it a reflection on the officials; they have got to show something for their salaries, and in my opinion, they go where they can most easily get a conviction. If they go into a large shop and ask for cocoa, the shopkeeper is alive to the difficulties of the case, and he puts on a label and defends himself.

5934. But he would not know very often that it was an inspector. You are aware, are you not, that in many places other people are employed by inspectors, and inspectors do not make the purchases themselves?—I do not think they know them to be inspectors; I think they supply them as if they were one of the general public. If these small shopkeepers knew they were inspectors, they would be very much more careful, and it would draw their attention to the fact. They do not know; they think them absolute strangers, and supply them as one of the public.

5935. But at the same time, you do not think that this small trader is himself guilty of fraud?—I do not think he is intentionally guilty.

5936. He is not the adulterator?—No, he is not the adulterator; he buys the thing ready mixed. I am especially speaking of admixtures.

5937. He buys them at such a price as he can supply them to his customers?—Yes; and the master of the shop is aware that they contain chicory or arrowroot, or whatever it may be; but in the usual colloquial terms they are known as coffee, cocoa, and mustard, and the assistant serves what he thinks is wanted.

5938. And you think that that acts in two ways: first of all it brings these people within the meshes of the law who, very often, are not often as guilty as the person who makes the compound?—Certainly.

5939. And you think also that it is a somewhat unfair method of collecting samples?—I think so.

Mr. *Kearley.*

5940. How do you infer that the maker of the compound is guilty when you say that the retailer, the master of the shop, knows that he is selling a compound?—That was a wrong phrase. I think I ought not to have used it,

Mr. *Kearley*—continued.

because no doubt the manufacturer gives ample declarations in all these matters that there is an admixture. He does not declare the proportions; in some cases he does not declare the ingredients; but in every case he gives full warning to the retailer himself of what he is supplying; that it is not pure coffee, or cocoa, or mustard.

5941. Then the manufacturer has declared the article to be an admixture to the purchasing shopkeeper?—Yes.

5942. The shopkeeper himself knows that he is selling an admixture?—Certainly.

5943. But is not your point that the inspector sends in people to buy and gets them to ask for a thing which he knows pretty well he cannot get pure; he goes in and asks for shilling coffee, and he knows perfectly well that it will be an admixture of coffee and chicory?—That is what he does know.

5944. That is the principle they work on?—It is a plan that can only be tried in small shops where the people are ignorant, and adopt colloquial terms that do not fully describe the truth.

Chairman.

5945. And that is a practice which you consider unfair?—I consider it unfair.

5946. Are these practices, which you describe as verging on adulteration, dealt with under the present law at all satisfactorily?—They are not dealt with at all, but are left entirely alone, although they entail the gradual deterioration of the standard of honesty and fair dealing. If a practice is not distinctly immoral, its being legal will in time, through competition, render it universal.

5947. Then you consider that the law at present is really unsatisfactory?—I consider it to be altogether unsatisfactory. It punishes petty offences, and leaves great ones untouched; it fines the small retailer, and leaves the wholesale offender scot free; and it allows the standard of morality in trade to steadily deteriorate.

5948. And while the law is unsatisfactory, you think the administration of it is even more so?—I think the administration of the present adulteration laws is in the last degree capricious and unsatisfactory. In many large districts the law is not enforced at all. There are no prosecutions, although there can unfortunately be no doubt that the districts in question are by no means free from adulteration. In some parts I have had reason to suspect that there has been actual connivance between the petty officers of the law and offenders. In other cases there is ground for suspecting that the local authorities themselves take care that the Acts are not enforced. In other cases the district authorities are deterred, by the cost of appeals, and by the fear of losing a case through the uncertainties of analysis, and through the pedantic and unpractical action of the judges in the higher courts. Then I mentioned yesterday the baking-powder case.

5949. You are pretty sweeping in condemning them, from the judges in the higher courts down to the petty officers in localities?—I am afraid in regard to this particular law it is the case. The baking-powder case cost the local authority, I believe, 3,000*l.*

Chairman—continued.

5950. And you think that that excessive cost is a deterrent to these local authorities?—Very few local authorities would like to add such sums to the rate, particularly as some section of their electors would be, perhaps, in favour of these practices.

5951. In the cases of officials that you enumerated just now as unsatisfactory you did not refer to the analysts. Have you anything to say about them?—I think the analysts, as a body, deserve every respect. With very imperfect means they have done wonders. At the same time, in many cases appointments have been made of totally unfit persons; medical men, or pharmaceutical chemists, for instance; who with the best intentions have no knowledge of their subject. The rate of remuneration is quite insufficient to enable an analyst, no matter how good he may be, to properly pursue what is really a new profession. There are no funds to enable the pursuit of independent researches into adulterations and the means of detecting them. There is no general supervision of analysts, and no official communication of facts to them by any central authority. (I speak under correction there, because you know better than I do.) They complain, with what reason I do not know, that the Somerset House laboratory, to which their decisions have been often referred, is behind the times in scientific matters. Personally, my firm has always had the highest opinion of the Somerset House laboratory and its officials, whose action has often been most invaluable in checking adulteration. Two points may partly account for the dissatisfaction sometimes expressed by public analysts and others with Somerset House: (1) That the Somerset House officials are in the position of judges, and are honourably bound by our whole system of law and justice to give doubtful points in favour of an accused party; and analysis is not an exact science. And (2) that the money allowed by the Treasury may be insufficient to admit of the proper development of the laboratory, so as to make it, as it should be, ahead of, rather than behind, the times.

5952. Do you propose any change in the law beyond those which you have already read to us?—I would first bring all the Acts dealing with the subject into one single Bill, including margarine, feeding stuffs, and any extended or altered law which may be decided on by the present Committee. This should be called in plain language "The Adulteration Act." I am not sure that the affixing of false trade marks or the selling of merchandise under deceptive titles should not be included in the same code; for adulteration and false naming very easily slide one into the other. I should like also to see the present Merchandise Marks Acts, so far as inland trade is concerned, handed over to the authorities who had to administer the Adulteration Acts.

5953. And having got your code, how would you deal with the worst offenders?—I should then endeavour to go to the fountain head, and try to catch the wholesale offender, who now goes scot free. Ships, docks, wharves, sheds, carriers' yards, goods' stations, public and private warehouses, factories, merchants', brokers' and wholesale

Chairman—continued.

sale dealers' sale rooms and offices: in fact, all places where foods, drugs, or drinks may be stored or sold should be rendered free to the inspectors at all reasonable hours. As in France and Germany, the inspectors should have the power to call for the production of samples of any goods they may wish, and the storer or vendor should be bound under penalty to produce them at once. If found to be adulterated a prosecution should follow, whether a sale has technically been made or not. In the meantime the parcels which the samples represent should be impounded. On a decision being given the whole of the adulterated goods should be seized by the Crown. If unwholesome they should be destroyed. If wholesome they should be confiscated, and used in prisons, or as the magistrate might direct. The offender, in addition to the seizure of the goods, should be punished by a severe fine or by imprisonment. A second offence of the same kind should lead to imprisonment without the option of a fine. The law as to shops would leave it free for private persons, if they saw fit, to start a prosecution for adulteration.

5954. Do you see any difficulty with regard to imprisonment in connection with the employment of assistants or the keeping of many shops?—I do see difficulty in that respect; I think there ought to be safeguards in such cases which would make the managers liable when the proprietors are not personally resident on the premises.

Mr. *Kearley.*

5955. Subject to its being proved that the proprietors have given proper instructions?—Yes.

Chairman.

5956. How would you deal with admixture in the grocery trade?—I think I dealt with that fully yesterday and need not repeat it.

5957. Have you nothing further to add to what you said?—I have nothing further to add.

5958. Then you quite feel that what you said yesterday about the labels and percentages on the labels is what you wish the Committee to understand?—Yes; I think the words "coffee" or "cocoa" or "mustard" should not appear with any prominence on the packets. I think generally I had better confirm my evidence of yesterday, as it was in such detail; but I should like to add that if any word were used which does not suggest coffee or cocoa, or mustard, then I do not think any declaration of the ingredients should be necessary. If once a word like "chicorine" or "mustardine" were used I do not think it would be necessary to declare all the proportions.

5959. Then in certain cases where there is a doubt as to the constitution coming within the definition of adulteration, what would you do there?—I should educate commercial opinion on the point at issue in a way that I am about to suggest, and I should allow a large amount of discretion to the administrative officers.

5960. Do you think that the present system as to analysts is satisfactory?—I do not think so. I think the first requisite is a central Government analytical department, with a man of

Chairman—continued.

science at the head, whose salary should be enough to attract the best available talent; and the funds, appliances, and assistance should be sufficient to enable him to make original researches into adulteration and the means for its detection. This implies, of course, a large and properly equipped laboratory, and a sufficient skilled staff. The analytical department should have powers to make the local authorities act if they neglected their duty. Public analysts should have, prior to their appointment, to pass a practical examination to test their knowledge, and the local authorities should not be allowed to appoint anyone who had not passed the test. The analytical department should be in constant communication with the analysts throughout the country, advising them how to act, and informing them as to any current frauds or means of detecting them. The local analysts should also keep the central department fully advised of what they were doing, and send up reports from time to time. The local analysts should also let the central department know when they suspected any wholesale adulteration of imported or manufactured foods outside their own district. The local and central authorities could then concert measures for the detection of the criminal, and the stoppage of the fraud. In important cases likely to impose a heavy charge on a locality, I should give the central department power to take up the case at the expense of the country generally, and to fight it out. The certificate of properly qualified analysts for the defence, in a prosecution, should be received as evidence in court without the personal presence of the analyst, just as the certificate for the prosecution is received; otherwise the cost of defending an action is very great. Costs on a liberal scale should be allowed when prosecutions by analysts were found to be erroneous. When differences arose as to the correctness of an analysis of the local public analyst, they should be referred to the central branch for final decision. This department should have complete control as to fixing and varying standards of purity or strength, or the wording or size of descriptive labels on all foods, drugs, drinks, or materials used in their preparation and manufacture. The analytical department should have control over the naming of commodities, and see that goods fairly corresponded with them. They should have powers to issue and vary declarations and to give private instructions to analysts with regard to what does or does not constitute adulteration, and with or without preliminary notice. To advise the central analytical authority, I think, there should be an advisory council of traders, who should be consulted from time to time by the authorities as to various points that may arise. This council should be elected from time to time by various trades under regulations to be issued by the Secretary of State. The advisory council would have many advantages. It would inform and educate commercial opinion and raise the mercantile standards in such matters; it would also enable undesirable practices to be stopped with the least amount of friction and with the least amount of loss to innocent persons. The council would be purely advisory and

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honorary, and an election to it would be deemed an honour; while the Government would be by no means bound to act upon its advice.

5961. Then you consider that this somewhat elaborate and large system would be a satisfactory method of insuring the purity of food?—I do.

5962. Have you anything further to say about it?—I say that there is a precedent for it, and that the regulations of the Grocers' Company of the City of London, as framed by the wisdom of our ancestors, allowing for the differences of the times, embody the whole of the powers which I should propose to delegate to the central analytical department. In addition, being actively connected with the trade, the Grocers' Company could act with discretion, and, without undue interference with or loss to individuals, they could secure public benefits. They visited wholesale as well as retail stores, warehouses, &c., and had not only the power of deciding as to adulteration, seizing goods, &c., but of fixing standards which it was undesirable to go below. All these powers exist up to the present day under their charter, but they are not enforced, and their exercise was never more wanted than at the present time. I think that if there were any difficulty about funds, it would be a serious question whether the Government should not get the funds from the Grocers' Company, who neglect the duties under which they hold their charter.

5965. You would make that the basis for the creation of this public department to which you refer?—Yes.

5964. You have given us your idea of this method of dealing with adulteration in a very complete form. You are aware, I think, that there was a Bill before Parliament, introduced by Sir Charles Cameron, to deal with this subject?—I am.

5965. Have you anything to say on that?—I do not consider that that Bill would have been useful; on the contrary, I think it would have been injurious.

5966. In what respect?—I think the clauses as to warranty were very unsatisfactory. A retail trader would only have to produce an invoice from the wholesale dealers, and he would at once be discharged. No provision is made for prosecuting the wholesale dealers if they have committed an offence. No notice is to be given to the wholesale dealers to enable them to defend their good name and good faith, if they are able and desirous to do so. Their reputation might be blasted without their knowing anything of the matter. A dishonest retailer would be free to adulterate as much as he pleased, and for any length of time, to demand an acquittal on the face of an invoice furnished possibly for entirely different goods. There is no limit of time or place to the warranty. There is no obligation with bulk goods to show that they were from the parcel invoiced, or that they had not been tampered with subsequent to delivery.

5967. Are there many groceries sold in bulk?—I should say, at a guess, that nine-tenths of the total weight of groceries is sold, as imported, in bulk, and in original packages. I refer to imported groceries, and not groceries manufactured in this country, such as proprietary articles, which generally go out in packets. In London hardly any bulk goods are ever under the personal control of the wholesale dealers, but lie at public docks and wharves, whence they are delivered direct to the carriers' carts. Tea, coffee, cocoa, and wines and spirits are also under the control of the Customs authorities till delivery. It would in any case be impossible to adulterate bulk goods lying at a public warehouse prior to delivery, unless they were adulterated abroad. My proposal to subject public warehouses to the inspection of analysts would secure in time the seizure of parcels adulterated abroad.

5968. How are these bulk goods delivered?—They are bought and sold generally by sample. They are delivered to the carriers, who are the agents of the purchaser, and the vendor takes no risk of transit. A large proportion are in bags, and most of the others are in slight wooden packages. When they reach the shop they may, or may not, be kept in the original packages. (What I mean by mentioning the packages is that they are so slight that they could by dishonesty in transit be readily tampered with). Very frequently they are turned out into drawers or similar receptacles. Frequently one or more parcels are mixed together for the purposes of resale. When once the goods are turned out of the original packages their identification becomes simply impossible (I think that is a very important point), especially as they are often kept in the shop for weeks or months, and exposed to all the risks of contamination by accident or by malice for long periods of time. To make the original vendor liable under such circumstances would render convictions for adulteration impossible, especially under the clause proposed in Sir Charles Cameron's Bill. The proposal would also inflict the most grievous injustice upon wholesale traders, and they could not for a moment consent to be under such a monstrous system.

5969. Does your objection apply to goods sold in small sealed packages as well as to goods in bulk?—It does not. I think the wholesale seller or manufacturer of goods in packets or small vessels of any sort should in all cases be deemed to give a warranty as to their contents; that he should be liable for their purity for an indefinite period, and be liable for all causes except natural decay. Further, I think prosecutions in such cases should be entered into against the wholesale dealer or manufacturer, and not against the retailer.

5970. Would a limitation of the period of the warranty for bulk goods meet your objection?—It would partially do so, particularly in conjunction with my proposal to subject wholesale places to inspection. A retailer when summoned might privately produce an invoice as a warranty, and be instructed by the officer to order a fresh supply of the incriminated goods. The fresh supply might be analysed on arrival, and the real offender caught, as it were, red-handed in the act, and directly prosecuted. A limitation of the time during which warranties should be enforceable might vary according the nature of the goods. For perishable goods in bulk, a warranty might

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might be good for 14 days; for non-perishable goods in bulk the warranty might be for 28 days.

5971. The definition of a wholesale trader or manufacturer is a matter of some difficulty, is it not?—I think the definition in Sir Charles Cameron's Bill wants to be greatly extended. The wholesale trader, who sells to the retailer, is not in most cases the original vendor, and all vendors should come under the operation of the Act. In the same way, the manufacturer may buy of an importer resident in this country. The ordinary division of trade is for a merchant to import goods, and to sell them either by public or private sale, through a broker, to the wholesale dealer or manufacturer, who, in his turn, sells either to the retailer or to the semi-wholesale trader. I think all those persons should be made liable.

5972. With reference to persons residing abroad, how would you treat them?—I think that their agent resident in this country should be made responsible.

5973. Have you drawn any draft Bill?—I have, but I propose to hand it in. It embodies these proposals (*handing in the same*).

5974. This Bill embodies the various suggestions that you have made?—Yes.

Mr. *Colman.*

5975. I suppose at the present time you would feel that the adulterants which we have heard of are not injurious articles; there is not much of the injurious adulterations that we have heard of 25 or 30 years ago?—I think not. I think that formerly substances of a poisonous or very unwholesome character were frequently used, which is not now the case.

5976. You referred to the growth of chicory at home; where is it grown?—I regret to say I do not know. I think it is in the eastern counties, but I am not able to answer that question.

5977. But is there a considerable quantity, do you think, grown in this country?—I think not a considerable quantity. It is a native plant in the wild form, and I believe it is cultivated here. I think that almost all the chicory used in the coffee trade comes from Belgium and the Low Countries.

5978. You sell it then as a mixture of coffee and chicory?—We do.

5979. How many different mixtures have you?—I think three qualities; they contain 50, 75, and 80 per cent. of chicory respectively, which is declared on the tins.

5980. Is that, do you suppose, what would be taken as a sample of other mixtures of coffee and chicory?—I think so, except that in many cases, I think, the proportion of chicory goes up to as much as 90 per cent.

5981. Touching the term "cocoa," should I be right, broadly speaking, in saying that cocoa in England means what is drunk, and chocolate means what is eaten?—I think so.

5982. With regard to the adulteration of pepper, does that go on to a great extent undetected? I see there has been a good many prosecutions?—I am afraid it goes on to a very great extent undetected at present.

Mr. *Colman*—continued.

5983. As to the evidence which you gave about inspectors going to small shops; you feel no doubt that that is really the fact?—I formed a general opinion, based upon reading a large number of facts over a term of years. I could hardly state absolutely that that was a fact; but the conclusion I have come to after reading the various trials is, that they do go to small shops and obtain the samples by means of more or less tricky proceedings.

5984. Has this other point come before you: that, so far as mixtures are concerned, the inspector is wishful not to take away a tin of a small quantity, but to have that tin broken up into smaller quantities still?—That has been very strongly borne into my mind from the various cases that I have read. That is also a further attempt to get rid of the protection given to the retailer by the label of the manufacturer.

5985. Then you would have no objection, would you, to a clause in any Act which should compel an inspector to take a tin with the manufacturer's label on it, if the grocer offered it to him?—Certainly I should not. I think that is a very proper provision.

5986. It has been suggested also that instead of dividing the sample taken, as now, into three parts, it should be divided into four parts, one to go back to the manufacturer or wholesale vendor. Would you approve of that suggestion?—I think that would be a great improvement.

5987. Did I understand aright, that you think that all articles used for these mixed articles, as we call them, should be declared on the label?—Yes, in every case; but I would supplement that by saying that I think the Committee might decide, on the other hand, that the quantity of the preponderating partner, if I may call it so, might be declared. For instance, you might say: "This contains 55 per cent. of coffee," and not declare the other ingredients. So long as the proportion of the main article was declared, I should be content without a declaration of all the details.

5988. Taking the case of coffee and chicory, we were told that the price of coffee varies from 80*s.* to 130*s.*—Yes.

5989. Do you suggest that the quality of the coffee should also be declared in any way?—No, I do not; I think that no analyst could give any clue to that.

5990. Then it seems to me, supposing a mixture to be half coffee and half chicory, that at those prices the mixture of the one would be worth 25*s.* per cwt. less than the mixture of the other?—It might be so, but on the other hand it might not be the case, and the public has no protection whatever in the prices, because it has no protection as to the quantity of chicory that is put in under the name of coffee. I should protect them, at any rate, so far as the added material went, which is a protection that they have not got at present.

5991. Would not the public have the idea that stating the percentage gives an idea of the value, whereas it might be of course a very erroneous idea?—An idea of value in an article like coffee is a difficult one to form; I do not think the public can accurately judge of it. The value of

Mr. *Colman*—continued.

coffee, something like that of tea, and also like that of wine, is more or less a matter of individual taste. Some people would give a great deal more for East India coffee than for another coffee, which to a different consumer might for all practical purposes be alike. It is a trade of skill and personal liking.

5992. Then, on the question of the invoice being a warranty, how would you get over the difficulty that exists at present of certain verbal declarations by a small grocer of the admixture?—Do you mean when he spoke to the inspector?

5993. I daresay you know that there is a good deal of conflict of evidence now as to what has passed between the inspector when he goes into a shop and what the seller has said to him?—I should not require verbal declarations at all in each case of an admixture; I think there should be a label offered by the grocer.

5994. And verbal declarations done away with?—Done away with altogether.

5995. The label being the protection?—The label being the protection.

5996. You said that sugar was not adulterated?—Not that I am aware of.

5997. Is it not coloured or bleached?—All sugar is more or less coloured, but that is like dyeing clothes, or anything of that kind; it is done for the pleasure of the eye. Loaf-sugar is coloured with ultramarine, and various substances are used for colouring moist sugar. The quantity of ultramarine in a ton of loaf sugar is something like a teaspoonful, I believe; but it has a most extraordinary effect in improving the appearance of sugar.

5998. You do not regard that colour as in the least degree touching on adulteration?—No, and it is not injurious. Only my proposition is that the Government Department should have the power of controlling injurious colouring, and should define what should and what should not be used for colouring purposes.

5999. Your evidence goes, of course, strongly in the line of a Government department to take the whole thing in hand?—Yes.

6000. And to control practically all the other analysts?—Yes.

6001. You said something also (I do not think I quite caught it), towards the latter part of your evidence, about a case being heard without the personal presence of the analyst?—In many cases when wholesale dealers have attempted to defend their customers in actions brought against them for the sale of adulterated spices and so on, the certificate of the analyst who had analysed the commodity in London for the wholesale dealer has not been accepted by the Court without the personal presence of the analyst. A wholesale dealer in London generally employs a man of some eminence to make these analyses, and it would be a matter of great cost to send him down to answer an allegation of the sort. I hold that as the certificate of one public analyst, the local analyst, is admitted, on proper proof the certificate of any other public analyst should also be admitted on its being sworn that it had been given by such-and-such an analyst.

6002. Do you think that an analyst when he sends his report in should send in somewhat more detail than he does now as to what his

Mr. *Colman*—continued.

statement or the adulteration is?—I suppose that is in a great practical difficulty under the present system, because I think the analysts are very insufficiently equipped; but under a proper system, no doubt, it would be very desirable, if the analyst had full time and means, that more details should be given.

6003. Then on the question of the wholesale manufacturer or wholesale grocer accepting the onus of prosecution, where is he to appear. We will say that in the case of a small trader in a village in Norfolk, somebody in London has sent him something. Is the case to be tried in the village in Norfolk, or in London?—I suppose it should in some way be referred to London, and tried on a proper scale with the resources of the Department.

6004. In Liverpool now, in the same way, supposing that a Liverpool grocer has supplied a small tradesman in his district, where should the case be tried?—Then I should have the case tried in Liverpool, in the main district where the offender resides.

6005. So that the manufacturer, or wholesale dealer, should not be called to go all over the country to every small place that his goods may go to?—No.

6006. Your own experience of Somerset House, you say, leads you to conclude that it is usually correct?—I believe so, quite satisfactory.

Mr. *Kearley*.

6007. You are in favour of the percentages being declared of chicory, and these other admixtures?—Yes.

6008. But below a certain percentage, you do not object to an article being sold as coffee, do you, below 35 per cent?—Below 25 or 30, or some percentage to be fixed by the Committee, I should allow the substance to be called coffee. I should say "coffee (containing 33 per per cent. of chicory)," in brackets under it.

6009. But if it exceeds that amount you object to the use of the word "coffee"?—I object to the use of the word coffee, just in the same way as now is done with regard to spirits. You may sell spirits of a certain strength as, say, "Rum;" below that you may use the name, but you have to declare the strength.

6010. You would allow a margin in these declarations of 5 per cent., I understood you to say?—Five per cent., or as the honourable Chairman suggested, even 10 per cent.

6011. Five per cent. would be rather risky, would it not?—Yes; I think those limits should be revisable from time to time by such an analytical department as I propose, and that they should give notice from time to time that such-and-such deviations from the standard would be allowed.

6012. But you are making a concession to the adulteration of coffee when you suggest that so long as there is not more than 25 per cent. added, it may be described as "coffee," of course with a qualifying declaration as to the addition of chicory. Do not you think it would be better to exclude any mixture from being sold, or to prevent any mixture being sold under the name of coffee?—I think theoretically it would be much better, but it would act with very great hardship upon

Mr. *Kearley*—continued.

upon a large section of the trade. And, in addition to that, there is this excuse for it, that undoubtedly a very large section of the public prefer a certain proportion of chicory in their coffee. Some years ago (for this is a very old question) I recollect the Government passed a law that chicory should not be mixed with coffee, but that it should be sold separately. That was found, I presume, to be unworkable; at any rate, in a very short time the law was repealed. I think I said yesterday that these admixtures should not be allowed in any other substance whatever beyond cocoa, coffee, and mustard. It is simply because these admixtures in cocoa, coffee, and mustard have been so long semi-legalised and known that I should make that concession, but I would not extend it to anything else.

6013. You draw the line there?—Yes.

6014. Now with regard to cocoa; you mentioned yesterday that there was an idea abroad that alkali was being introduced into cocoa?—I did. I did not confirm it myself, because I did not know whether it was so or not.

6015. I was going to ask you that. You have, no doubt, large transactions with these Dutch cocoa houses?—I have.

6016. Have you yourself any personal suspicion that these cocoas are being adulterated?—I have not; and further, I believe, that any method that may be used in Holland is used also in this country. I simply put that clause in under my general reservation that no further admixtures than those already semi-legalised should be allowed. If alkalis are being added to cocoa, they are certainly a fresh departure, and I would prohibit them.

6017. But it is merely a hypothetical opinion?—Yes; I have no knowledge on the subject. I do not wish to endorse it in any way.

6018. But still you know the history of the rival cocoas, I suppose, as well as any man in the trade?—Yes, I have heard such good evidence on all sides of the question from people whom I consider of equally good standing, that I should be sorry to pronounce any opinion whatever.

6019. Might I ask you to affirm the suggestion that I make, that this is a squabble among rival cocoa-makers as to the addition of alkali, and that in the trade it is regarded as such?—I could hardly say that, because I have heard no conversation in the trade, except from interested parties.

6020. Still you continue to sell these Dutch cocoas of renown, feeling that they are perfectly pure?—And also English cocoas of renown, which I am told are subject to the same process. I only say that if it is true that alkalis are added to cocoa, the practice ought to be stopped, because it is a new departure, and has not yet become a large trade like these other abuses.

6021. I noticed all through your evidence that whenever you have suspected adulteration your firm has incurred trouble and expense to try and verify, or otherwise, the presence of adulterants?—I very much complain of the present law in that respect. Instead of getting any aid from the Government Department or analysts, the expense of exposing adulteration, and the great risk of it, is thrown upon private individuals. In our own case, in the matter of spent ginger, we have had to run the most serious risk of very expensive and very difficult legal proceedings for libel, and so on, in exposing the practice; and we have had to go to expense in having investigations made to detect the fraud which, I say, the Government authorities ought to have detected.

6022. And you have succeeded in bringing to light some of these adulterations, I believe?—We have poivrette, for instance, in connection with Messrs. Peek. Sir Henry Peek and ourselves took it up.

6023. And I noticed you gave evidence yesterday as regards the adulteration of beeswax?—That we are at present litigating about, and the result of the commencement of that litigation, I should tell you, is a very curious one. The Mincing Lane brokers have given up the word beeswax altogether; they now offer the goods as wax only.

6024. But, despite the desire on your part to protect yourselves, you have never seen the slightest necessity to have these cocoas analysed that are under imputation?—We have not.

6025. You are fairly well satisfied with the risk, at all events, if there be any?—Yes. The labels, I believe, would cover most of them in any case, the declaratory label.

6026. You think this adulteration should be attacked at the fountain-head as much as possible?—Yes.

6027. First, at the port of entry?—Yes.

6028. And secondly, by right of entry to the wharves and warehouses of all wholesale dealers?—Certainly.

6029. You do not anticipate any hostility on the part of the wholesale trade to that, do you?—I should have anticipated hostility, but after these meetings of the Chamber of Trade where all the wholesale trades of London were represented, I do not think there would be any further opposition; I think they are willing to accept it.

6030. A large amount of adulteration is committed abroad, and goods come into the hands of wholesale houses, reputed to be pure and believed to be pure by the wholesale houses; is not that so?—I do not think that is the case so much in groceries as in provisions, and provisions I could only speak of from hearsay. Very few groceries as imported are adulterated.

6031. In giving a right of entry to wholesale premises in the case of a manufacturer, you would only expect an analyst to make an inspection of the manufactured article, I presume?—As a rule, yes; but, at the same time, I have been thinking of that point since yesterday, and I think that under proper regulations even the factory itself should be liable to inspection. The factory is already open to the factory inspector as to the hours of labour and so on, and under a magistrate's warrant or some similar formality which costs a little money, I think that a skilled analyst and others should be allowed access to the factory.

6032. For the purpose of inspecting the raw material before it was manufactured?—For any purpose they might desire in pursuance of their duties.

Mr. *Kearley*—continued.

6033. But those purposes would have to be specified in the Act of Parliament; the Act of Parliament would not leave it as general as that, I take it?—It is a difficult point, I know.

6034. You persist in that, do you?—I think that, carefully safeguarded, the power ought to exist, in the higher offices at any rate.

6035. I suggest to you that it is impracticable that an analyst could have access to a manufacturer's factory, with a right given to him to overhaul the raw material; but I suggest to you that it would meet your views, perhaps, that the analyst should have the right of entry, but only to inspect the manufactured article?—In nine cases out of 10 I think that would meet the case; but I think that in special cases, with the leave of a magistrate, say, the analyst ought to have power to enter on the works and demand a sample, I do not say of the raw material, but to point to such-and-such a thing, and say, "I will have a sample of that."

6036. I am drawing a distinction between a wholesale warehouse and a manufactory?—Yes; I am alive to the distinction.

6037. The manufacturer, I think, would object to his raw material being questioned, whereas he would be perfectly willing to allow his manufactured article to be sampled?—Under the scheme I have drawn up, he is at liberty to explain the presence of any material that might be used for the purpose of adulteration. For instance, in our own case; we grind rice, and we also grind pepper, and they are on the same premises sometimes. If we were pepper grinders only, that might be a fit object of suspicion; but as we grind rice also, an analyst would be unfit for his duties if he seized it as such.

6038. Neither of those are manufactured articles?—No; they are ground.

6039. That would come under the conditions of entry to a warehouse?—Yes; I see the difficulty.

6040. Then as to this question of the action of the inspectors in unduly pressing the law on small shopkeepers, from your study of the question, have you noticed that there is a disposition on their part to ask for goods at prices at which they are not likely to get them pure?—Yes, certainly.

6041. For instance, they send into a shop and ask for shilling coffee?—Yes.

6042. Knowing it is a colloquialism in the trade that the article sold as 1*s.* coffee means coffee and chicory?—I do not defend the practice of selling it as coffee, but, colloquially, it is so.

6043. And they know it?—Yes.

6044. And they know almost the day of the week when they can get an opportunity to catch the trader tripping?—Yes.

6045. Without any intention on the part of the trader of committing a fraud?—Certainly.

6046. And the decoys, if I may use the term, whom they send in are such as are likely to cause the trader to fall into the trap?—He is put off his guard.

6047. Still, of course, in addition to that there is a great amount of open and outrageous adulteration going on, is there not?—Yes; the trader ought not to be entrapped. I do not defend it; I only say that the law in regard to these particular substances is so weak, and mixtures of coffee and chicory, cocoa and starch, and mustard and flour have been suffered so long that they have become semi-legalised.

6048. But, as the law exists, do you not consider it a hardship for the small retail shopkeeper to be asked for a pound of 4*d.* cocoa, and then to be summoned because the cocoa is found not to be pure?—Certainly I do; that is the gist of my evidence.

Mr. *Frye.*

6049. The price should be taken into consideration, you think?—I think so.

Mr. *Kearley.*

6050. With regard to spent ginger, that is an increasing adulteration probably, largely increasing within recent years?—I think it is almost a creature of recent years, since the temperance movement caused such an increased proportion of ginger beer to be drunk.

6051. It is one of the penalties of the movement?—Yes.

6052. You said yesterday, I think, that certain grinders supported the fraud?—They did; and I imagine they do so still.

6053. They have argued it out in the trade journals, have they not?—Yes.

6054. Do you consider that there is any substantial foundation for their contention?—Absolutely no justification whatever, I think, any more than selling spent tea leaves as tea, or coffee grounds as coffee would be a justification.

6055. Within your experience, I know it to be a very long one, you have known new adulterations to crop up from time to time?—Yes.

6056. And do you think they are likely to continue to do so?—Yes.

6057. And to meet that you suggest that there should be a bureau, or intelligence department?—Yes.

6058. Under Government?—Yes, certainly.

6059. For the purpose, I take it, of keeping open communication with other countries?—That would be a valuable provision, among other aids, to the detection of fraud, no doubt.

6060. May I take it that you suggest that the countries where these frauds are perpetrated probably have a knowledge of the frauds going on, and would communicate them to a Government Department if such a thing were established in this country?—I am certain they would do so. I have noticed in many cases, the Governments of Denmark and France, for instance, taking steps to try and prevent the adulteration of butter, and if there were a Central Department in this country they would be much more accurate.

6061. These new creations rather baffle the analysts at the outset, do they not?—I am told that in some branches of trade the manufacturers actually keep what I may call a counter-analyst, in order to keep up with the latest moves of science, and be able to baffle the Government analysts in this country.

Mr. *Kilbride.*

6062. Do you know that for a fact?—I do not know it for a fact, but I have heard it stated.

Mr. *Kearley.*

6063. With regard to the colouring of vegetables, bottled and tinned, you know that that practice is largely carried on by packers of vegetables abroad?—I believe that all peas are coloured with some preparation of copper.

6064. Not all; I think. I can put you right in that. I had that idea, but Crosse and Blackwell, I think, made a declaration to the contrary?—I was not aware of that.

6065. But we may take it, may we not, that as a rule the bulk of these vegetables are coloured with copper?—Yes.

6066. What are your views on that point; that it is very necessary that there should be a declaration as to the powers of packers in that direction?—I think that the new Government Department which I propose should define what proportion of copper, if any, should be allowed. If they say that no copper should be allowed, I should accept the decision; if they say that it is unwholesome; if they say that so much may be used, I should accept that, and should stop, on importation here, any coloured vegetables that exceeded that proportion.

6067. Do you think, from your own experience, that a small percentage of colouring would be injurious?—I believe not. I believe coloured peas imported from France have been used for a great many years.

6068. But still the trade is now liable to prosecution, is it not, owing to the lack of definitions?—Not only is it liable to prosecution but to counter decisions. A magistrate in one place would define the colouring of peas as injurious, and in another place he would say that it is not.

6069. That tends to unsettle the retailer?—Yes, and everyone connected with the trade.

6070. You wish to see set up, in view of these conflicting decisions on the part of judges, a strict definition of food?—Yes.

6071. That would have obviated the decision in connection with the baking powder case, would it not?—Yes.

6072. And also in connection with ginger at Grimsby, I think?—Yes. If that definition in the baking-powder case stands, it will upset the bulk of any prosecutions in the grocery trade. For instance, tea is not a food, nor is coffee, nor cocoa to a certain extent. The arrowroot in cocoa may be a food, but cocoa in itself is not a food; it is a stimulant. All spices are stimulants; not foods.

6073. Still it would be a risky thing for a grocer to proceed on the faith of the decision at Grimsby; probably next year he will find it decided quite differently?—Yes; they are endeavouring to strain it in that direction in the Court.

6074. On the question of the invoice being a warranty, you have very pronounced views as to that?—I have.

6075. You think that there should be a time limit, at all events, so far as perishable goods are concerned?—Yes; perishable goods and goods sold in bulk.

Mr. *Kearley*—continued.

6076. Because you feel from your long experience as a large wholesale distributor, that it is impossible to establish the identification of goods after a certain time; that is to say, with regard to goods in bulk?—We have had strong demonstration of that in many cases. It is quite impossible.

6077. Was there not one particular case where the goods were reputed to have been sent from you?—We had a particular case where the goods were reputed to have been sent from us. We sold a barrel of glauber salts to a wholesale dealer in the country. He sold the glauber salts in his turn, or what he believed to be the glauber salts, to a small country grocer. That country grocer some considerable time after that sold what he supposed to be the glauber salts to a farmer. The farmer administered the glauber salts to three of his cows which were ill, and the cows thereupon died. The farmer claimed the value of the cows upon the grocer, the grocer claimed upon the wholesale grocer, and the wholesale grocer claimed upon us, upon the ground that he had had these glauber salts analysed, and they were not glauber salts, but nitrate of soda We never had nitrate of soda in our place, and the manufacturer who made the chemical also never had nitrate of soda in his place. The farmer, of course, for manure purposes, has nitrate of soda, and so has the country grocer, and so has the wholesale grocer to whom we sold. Yet under the Warranty Clause in Sir Charles Cameron's Bill we should have been liable for supplying nitrate of soda through all these different people to the farmer in the country whose cows died in consequence.

6078. You think a time limit would meet that case?—Yes; we should have been able to plead it, because this turned up six months after, when it was impossible of proof or disproof.

6079. Still, you would like to see the retailer have the protection of being able to get the wholesale dealer or manufacturer prosecuted, would you not?—Certainly; the present law acts most unfairly in that respect.

6080. You can testify as to the fact that these Acts are not worked as they exist at present in some districts?—They are not worked; there has been an official Return from the Local Government Board which shows that?—Yes, we have had evidence of that.

6081. And in some districts you suggest that there may be connivance on the part of inspectors, and also indisposition on the part of local bodies to put the Act into force?—That is only hearsay; but my mind has been very much influenced by statements I have heard in that respect mainly as to the inaction of local bodies; in some district they are entirely inactive.

6082. Do you suggest that the local bodies are interested traders?—Yes, or influenced by interested traders, who are large electors, or large property-holders, I should say.

6083. Then, again, you referred to incompetent analysts. You meant there, I think, that men were acting as analysts who have not the necessary qualifications; such men as pharmaceutical chemists?—Yes, that is what I meant, or medical

Mr. *Kearley*—continued.

men, who no doubt are very respectable, and possibly eminent in their own way, but not educated up to chemical analysis.

6084. And in some of these districts, even in large towns, have you ever heard that the remuneration for the analytical skill is so small as to almost pre-suppose that the quality of the talent rendered would not be very high?—It is so: from what I have heard, the remuneration is entirely insufficient.

6085. You have rather a better opinion than most people, I gather, of Somerset House, as at present constituted?—I have a better opinion of them than is expressed by some analysts, but it is from long experience of Somerset House. We have always found them extremely willing, not only to teach, but to learn, and endeavour, so far as their means will allow, to detect any new fraud.

6086. May I ask you whether you think that the attack on Somerset House in the main emanates from analysts?—I understand so.

6087. You, as a large wholesale trader, have had an experience of Somerset House, and everything that has passed to your knowledge has been to their credit and favour?—Certainly; and I should like to see their powers greatly increased; in fact, that Somerset House should be transferred to the Local Government Board, under which it would more properly come.

6088. You do not suggest that Somerset House should be the central authority that you propose?—No, but the analytical department should be transferred to the Local Government Board, of course, greatly increased.

6089. Finally, I think you are of opinion that it would be better in every respect if there were one Act of Parliament dealing with adulteration?—Certainly; applying to everything, including the Merchandise Marks Act, the naming of goods, and I should even apply it to goods which are not food, for instance, wool, silver, and gold. I think one Act should cover the whole thing and one definition. A person is entitled to get what he buys.

6090. That Act would be known as "The Adulteration Act?"—Yes, "The Adulteration Act," not only for food, drink, and drugs, but materials used in anything else. That latter suggestion is not before the Committee, of course.

6091. Is it within your knowledge that under these multiple Acts, prosecuting bodies take an option as to whether they will prosecute under one Act or the other?—They do. I have noticed that sometimes there have been great objections because a prosecution for the sale of margarine is brought under the Adulteration Act and *vice versâ*, and there is confusion in the matter.

6092. And I suppose the intention there is deliberately to take away from the prosecuted party the right of a defence that probably would ensure an acquittal?—I have gathered so.

6093. Deliberately done to frustrate the intention of Parliament?—I should think so.

6094. In your researches you have discovered that the public has a claim on the Grocers' Company to put into being certain rights, certain powers, which it enjoyed under its charter, which might be beneficial to the annihilation of

Mr. *Kearley*—continued.

adulteration?—The Grocers' Company, under its charters, holds land for the express purpose of preventing adulteration, and those powers, for more than 100 years, have been allowed to become obsolete. The Grocers' Company by degrees has become divorced from the trade whose name it bears, and has practically nothing whatever to do with it. I believe that if the Grocers' Company's powers had been exercised up to the present moment, and they had been judiciously exercised by people more or less connected with the trade, the necessity for all these Acts, and these discussions, would not have taken place. I believe it is to the gross neglect of the Grocers' Company that the present state of things is due. They have full jurisdiction in London, which is the main centre for all these imported foods and provisions.

Mr. *Frye.*

6095. They have no grocers at all in the Company, have they?—No.

6096. And they will not admit a grocer?—You cannot be apprenticed to the Company after the age of 21. There may be some grocers; I believe the beadle is a grocer; I believe he has some 400*l.* a year, from the evidence before the Royal Commission.

Chairman.

6097. Have you a copy of the charter?—I have only read it in the Report of the Royal Commission, where it is fully stated.

6098. And you would refer us to the Royal Commission?—I would refer you to the Report of the Royal Commission for all the evidence, and you will find it in great detail there.

Mr. *Kilbride.*

6099. Are you aware that in that evidence the charters are not fully set out?—I was not aware of it; I thought they were set out.

Mr. *Kearley.*

6100. One other question with regard to sugar. You say that all sugars are coloured more or less?—I believe so.

6101. In the manufacture?—Yes.

6102. You may have noticed that there have been prosecutions from time to time in connection with coloured beet sugar, that is beet sugar coloured to imitate Demerara?—Yes.

6103. May I take it that Demerara sugar itself is coloured?—Yes, certainly.

6104. I understand that the West Indian refiners or manufacturers say that the colour of Demerara sugar is the natural colour, is that so?—There is no doubt that all Demerara sugar is coloured; it is coloured by different commodities, one of which, I believe, is known as the Doctor and the other the Bloomer. The same commodities are used here by the refiners in making yellow crystals. Those yellow crystals ought not to be sold as Demerara. If a person asks for Demerara sugar he ought to get it, and the sale of yellow crystals as Demerara is a fraud.

6105. You would not object to their being sold as golden crystals?—No, not at all. They are quoted as yellow crystals, and not as Demerara.

6106. The

Mr. *Kearley*—continued.

6106. The colour is a useful addition, is it not?—The public likes yellow sugar, and gets it, otherwise there is no use in the addition, that I am aware of; it is only to please the eye.

6107. It has become an article of commerce, though?—Yes, to a large extent.

Mr. *Frye.*

6108. I think you expressed the opinion that all mixtures up to a certain amount should be declared on the packages?—Yes.

6109. Of course, that would be easy if all goods were packed; but there are many small shops where they sell a quarter of a pound of coffee in paper. How would you meet that case?—They would have to supply corresponding labels in that case.

6110. Then, on every small packet of coffee or cocoa there must be a label declaring the quantity of admixture and the ingredients?—Certainly.

6111. You said that you thought that coffee had not been more used, because it was adulterated so much with chicory, did you not?—I said that that was one of the reasons. The cheapness of tea is also a very great reason.

6112. And a corresponding increase in the price of coffee?—A corresponding increase in the price of coffee. Tea is very much cheaper, and coffee has risen in price.

6113. Then as regards the number of prosecutions that took place for mixed goods, such as mixtures, from your experience, is the greater number of those adulterations, if they may be called so, made by the wholesale houses?—Certainly. Cocoa is universally manufactured by wholesale houses, and coffee is almost entirely manufactured by wholesale houses.

6114. Under the present law, of course, the retail trader suffers from anything that the wholesale man may do?—Yes, he does.

6115. I think I understood you to say that you would call these mixtures up to a certain extent by different names?—Beyond a certain extent I would call them by different names.

6116. Would not that complicate business very much?—No; it would leave people free to sell what has been called French coffee, for instance, as chicorine, and sell it as they did before; no declaration would be required at all.

6117. Do not you think that the public would be perfectly safe if there were a declaration: "This is a mixture of chicory and coffee"?—No, I think not; because mixture is carried to such an extent that in practice they do not get good value for their money in many cases; and the grocer does not get good value for his money when he buys from the wholesale man; he is not aware of the proportions that are added.

6118. I understand that your opinion is that the amount of extraneous ingredients should be declared on each package?—Yes.

Mr. *Kilbride.*

6119. I think you told us that you think the Government ought to set up a fully-equipped analytical department?—I do.

6120. Do you suggest that Somerset House should still be continued as a distinct department from this new department, or do you suggest that Somerset House and this new department should be amalgamated under the Local Government Board?—I do.

6121. That is to say, that there should only be one Government Department?—One analytical department under Government.

6122. And that it should be under the Local Government Board?—Under the Local Government Board. I say that because the Local Government Board has the administration of the law as it stands at present for the sale of food and drugs.

6123. Do you suggest that either the President of the Local Government Board or any other high authority on the Local Government Board should be a scientist?—I think not; I think there ought to be a very skilled scientist in connection with it, but I think he should be a permanent official.

6124. I think you said that in the case of prosecution you think the evidence of the analyst should be only by certificate, and that that should be sufficient before the magistrate, without having the analyst examined?—Not necessarily, but I think the certificate properly proved of any public analyst should be admitted in a court of justice as a defence, in the same way as the certificate of the public analyst is admitted as the foundation of the prosecution.

6125. What do you mean by "properly proved"?—Proved by affidavit by the oath of the person who produces it.

6126. Then you would have the analyst sworn?—He would not be present; I would allow someone else to prove that this certificate had been obtained from such a person without the actual presence of the person who gave the certificate.

6127. But, as you suggest, I just want to clear up the point, the certificate of the analyst would be sufficient authority, or sufficient ground rather, for the magistrates to convict. If you do not allow the analyst to be cross-examined to prove his analysis upon oath, what guarantee would the trader have that the analyst could not be bought over by some interested party?—I am under the impression that at the present moment the certificate of a public analyst for a prosecution is admitted in a court of justice, and I say that the certificate of an analyst for the defence should also be admitted. Then in the case of their differing there would be an Appeal to the Central Department.

6128. Would you not suggest that in a court of first instance both the analyst for the prosecution and the analyst for the defence should be liable to cross-examination?—In case of need they could be summoned; but as a *primâ facie* matter, I would allow both certificates to be produced; then if the magistrate adjourns the case I should say let him summon both.

6129. Would you suggest that both analysts should be subject to cross-examination before the magistrates convict?—Or acquit him.

6130. Yes?—Yes, both of them in case of need; but in a *primâ facie* case, I would allow the certificate to stand, and in case of an adjourn-

Mr. *Kilbride*—continued.

ment the magistrate might require the presence of either analyst.

6131. As I understand, if a *primâ facie* case is made out, it is only to lead to further proceedings?—Certainly, to an appeal to Somerset House.

6132. Are you aware that it has been suggested here by witnesses in other departments, that they would be in favour of having technical evidence given as well as the evidence of the analyst?—Yes, I am aware of that.

6133. Would you be in favour of that expert evidence being given. Certainly. I think that the more these things are looked into the better it is for offence or defence.

6134. Would you allow this new Government department to determine what is unwholesome with regard to the manufacture of particular chemicals used in the manufacture, or with regard to preserving matters or colouring matters?—Certainly, I would allow them full power to determine what should or should not be considered wholesome.

6135. Then do I understand that you would allow them, upon their proper merits, to be used with regard to milk and butter?—Certainly; questions as to salicilic acid and boracic acid, and anything else should be determined by the central department.

6136. In reply to Mr. Kearley, I think you said something about adulterated ginger; do you suggest that temperance leads to adulteration? No, I said that temperance has led to a greatly increased use of ginger, and that the refuse from ginger-beer making increased greatly in quantity, which had to be got rid of, and that that led to mixing the exhausted ginger off with unspent ginger.

6137. I think you told us that if the Grocers' Company carried out the intentions of their charters, adulteration would be almost impossible in the City of London?—I think so, certainly, or if they had done so in the past.

6138. You are not able to refer us to the charters. There have been more charters than one, have there not, granted to the Grocers Company?—There are several charters, but so far as I can call to mind, I think, from the evidence before the Royal Commission, they all dealt with that subject of adulteration. Their powers at any rate were confirmed.

6139. You could not suggest to the Committee what particular charter it is that deals with adulteration?—I could only do that by referring to the Royal Commission evidence; I could produce it if necessary.

6140. I find that there is only a *précis* given of the charters in the report?—I think you will find that in another portion of the book it is set out: some of the charters are set out. There is a summary of the evidence, and then in another part there are a number of charters, there are charters of William and Mary, for instance.

6141. I find from the report that in 1875 the revenues from the Irish Estates of the Grocers Company were 3,106*l.*; and in 1879, they fell to 21*l.* I presume that the estates were sold in the meantime?—I think their total revenue is 40,000*l.* a year.

Mr. *Kilbride*—continued.

6142. Are you speaking of their Irish estates?—I have no knowledge with regard to that. I believe they had to sell them; I imagine so.

6143. Can you tell me the revenues of the Irish estates?—I can ascertain from the Blue Book what the revenue was at the time of the Royal Commission, and fill it in.

6144. You have no means of being able to bring the revenue down to date?—No, it is entirely private; it would take another Royal Commission. They only gave evidence before the Royal Commission as a matter of favour, because they hold all these estates as their own private property. I believe, roughly speaking, that their revenue at that time was 40,000*l.*, 20,000*l.* a year spent in charities, and the rest spent more or less upon the company, upon themselves and in supporting what they call decayed grocers—members of the company, and not grocers at all except in that sense.

6145. In talking of cocoa mixtures and coffee and chicory mixtures, you suggested particular names to be used for these substances, did you not?—I suggest that beyond a certain proportion the names of "coffee," "cocoa," and "mustard," should not be allowed, but other names selected altogether different.

6146. Would you not also be in favour, supposing the other names were selected, of having the word "mixture" printed in large letters as well?—I would in case those names suggested the original article. If they did not suggest the original article I should not think it requisite. For instance, if a coffee mixture was not sold as French coffee, which it has hitherto been called, but sold as chicorine, I should say there was no necessity to declare the proportions.

6147. What name did you suggest for chicory and coffee?—I should suggest "coffeine."

6148. Does not that now savour very much in sound, and lead one to believe it is coffee?—If that word was used I consider it would suggest coffee, and that it should require a declaration. But I am now making another suggestion, that if an entirely separate word such as chicorine were used, I should not require the proportion to be declared.

6149. But irrespective of declaring the proportion, would you not be in favour of having the word "mixture" printed in large letters as well?—I have no objection to it whatever.

6150. Would you suggest it, so that the buyer, the public, could be under no mistake whatever that he was buying a genuine article?—If it was considered to be a protection, I would certainly have it extended.

6151. Do you think that it would be enough to protect the public?—Yes, I think it might do so.

6152. You told us that in some parts of England no samples were taken at all?—I gather that from a report given to the Local Government Board and published by order of Parliament.

6153. Will you tell us in what particular part of England that is?—I cannot. I have only a general recollection of that.

6154. Are you aware that in a great number of large towns in the North of England not a single

Mr. *Kilbride*—continued.

single sample of margarine or butter has been taken under the Sale of Food and Drugs Act?—I believe so as a matter of general knowledge; I have heard that.

6155. I suppose that would hold good with regard to other substances as well?—Of course.

6156. You told us that several appointments of analysts were made of men wholly unfit, and Mr. Kearley asked you whether you were aware how the analysts were paid; are you aware that some of them only get 15*l.* per annum, together with 10*s.* 6*d.* for each analysis, and in the case of prosecutions they only get their travelling expenses to and fro?—I am not aware of the exact amount, but I know that it is entirely insufficient for the purpose to secure properly qualified men.

6157. You think that no man should be appointed a public analyst who has not gone through a course of regular examination?—That is one of my suggestions.

6158. As a solicitor, for instance, has to serve his time and go through certain examinations, and so has a doctor, would you suggest that an analyst should be put on the same footing as other professional men?—Yes.

6159. And that unless he had gone through a course of examination he should not be eligible for the appointment of public analyst?—Yes; and I should say that the examination should not only be theoretical, but practical; he should be set to analyse certain substances, and according to the knowledge that he showed he should be appointed or not, for practical knowledge as apart from theoretical.

6160. You stated that the money allowed by the Treasury was wholly insufficient for the purpose of detecting adulteration?—I meant more particularly in regard to the pay of analysts in that respect; but, of course, the Treasury does practically nothing for the detection of adulteration; it has no analytical department.

6161. And in this connection would you suggest that a new Government Department should be formed in the interests of the wholesome food of the people?—Yes.

6162. And that a considerable amount of money should be spent on that Government Department?—I am strongly of that opinion.

6163. You said, I think, that when samples were taken and found to be unwholesome, they should either be confiscated or sent to the prisons?—I said that if they were wholesome they should be sent to the prisons, or used as the magistrate might direct. If they were unwholesome, they ought to be destroyed. In that I was following the provisions of the German law.

6164. In these countries where the samples are taken and found to be wholesome, the Government are obliged to pay the dealers the full value, are they not?—Not if they are adulterated.

6165. I say if they are wholesome?—They might be adulterated and still be wholesome. For instance, the addition of arrowroot to cocoa is perfectly wholesome, though it may be considered an adulteration. Under those circumstances, if it was not sufficiently declared, the Government would seize the substance and say, "It is wholesome; we will send it to the prisons or workhouses"; but if there was some unwholesome substance added, they would order it to be destroyed. But they would not pay for any article which they found was improperly sold as pure when it was found to be adulterated.

Mr. *Kilbride*—continued.

Sir *Charles Cameron.*

6166. You mentioned, in reply to the honourable Chairman, that there was a certain portion of a Bill promoted in my name that you particularly objected to; that was as to warranty?—Yes.

6167. But I think you are aware that my proposal on that point was a skeleton proposal, and intended for the purpose of bringing the matter before the Committee?—I am fully aware of that.

6168. And I think, from what you have said, that there is not much difference in point of principle between us?—I think there is none; in practice there may be a little difference.

6169. At the present moment the wholesale dealer gives a warranty that can be pled?—Yes.

6170. It is alleged that there is a hiatus in the machinery in the method of bringing home adulteration to the wholesale dealer under a written warranty?—There is.

6171. If that allegation is good that defect in the existing law should be made good?—Yes, there is the common law remedy against the man who gives the certificate, but not a penal remedy, which is what I should like to see.

6172. If that gap were filled in, and a satisfactory method given of getting at the wholesale man under a written warranty, there would be no difficulty to your mind in allowing the invoice generally to be the warranty, would there?—No. Subject to a time limit in the case of bulk goods I think it is better.

6173. In looking over your draft Bill I do not find any clause giving exactly the machinery which you propose; but in your evidence you said that you approved of the clause in the Analysts' Bill as to warranty?—There was a special clause as to the time during which prosecutions could be brought.

6174. Then would you please let me know what your own machinery is exactly?—In the first place, I wish to delete the word "written" after the words "warranty to that effect" in the Act of 1875.

6175. What I want is the machinery in case a written warranty is pled; just take the words as it stands now, and deal with the gap as it stands; in case a written warranty is pled with regard to adulterated goods, the retail vendor is absolved if that written warranty plea is established and it is alleged that there is no means of getting at the wholesale man; have you got a clause in your Bill that deals with that?—I would make him liable under the Act. I have not got a clause that deals with that in the Bill, for my Bill is only a rough skeleton.

6176. In fact, you are in the same position as myself with regard to the skeleton nature of your proposal?—Yes, except that my idea is that on the

Sir *Charles Cameron*—continued.

the production of such written warranty proceedings should be immediately taken against the manufacturer or wholesale dealer.

6177. I notice you say that in pleading warranty notice should be given to the warrantor so that he may be present?—Yes, or represented.

6178. But I cannot trace your steps afterwards in the matter?—Then my intention is that there should be immediate prosecution of him then and there.

6179. You see in the Analysts' Bill there is some provision for that point; it was not to that that you referred?—No, it was to the length of time to which the warranty should run in the case of perishable goods.

6180. As to invoices with packed goods we are at one?—Entirely.

6181. You hold that there should be a permanent warranty?—Yes, the only limitation being owing to natural deterioration.

6182. With regard to goods sold in bulk, we have been told, for instance, by a manufacturer of lard that he guaranteed all his goods, although a large proportion of them was sold, not in bladders, but in bulk—retailed in bulk; and I think we have had similar statements from wholesale butter merchants?—I do not think that would be practicable or desirable in the case of the grocery trade; the foods are so different; they are not homogeneous like lard. They are not a manufactured article, manufactured on a large scale of a similar quality.

6183. But you do propose to give a guarantee limited by time, by seven days, or 14 days, or 28 days?—Yes; I think that lard you might possibly be able, after a lapse of time, to recognise and trace; but in groceries, after you have once parted with them, you could not swear to any particular sample of sugar or anything else; they are all precisely alike.

6184. But, at the same time, would not the onus of proof of the identity of the goods with those warranted lie with the retail vendor?—If your skeleton Bill was filled up, that might have been so.

6185. It is provided in the general Act?—Yes, it may be so.

6186. But would not that satisfy you?—I do not think it would.

6187. You mentioned to me once in correspondence the case of a person to whom you had sold meal which turned out to be adulterated with some inferior flour; do you remember that case?—We sold him oatmeal, and it turned out to be adulterated with barley meal.

6188. He pled warranty, and you were not certain of the identity of the goods, and in any case I think you informed me that the goods had not passed through your hands, but had gone to him direct from the miller; but I think you told me you took up his case?—The goods went direct from the miller to this man through a public warehouse. First we thought the man himself had committed the adulteration; but on going further into it, and examining similar oatmeal belonging to the same miller in a public wharf in London, we came to the conclusion that the miller had adulterated it himself, because we found that the rest of his oatmeal was adulterated. We thereupon took up the case of the grocer and defended him, stating that we believed, to the best of our knowledge and belief, that he had not committed the adulteration, but that the goods had been supplied to him unwittingly by us in an adulterated form, and we virtually wished to exculpate him. The grocer, nevertheless, was fined. We paid the fine and expenses.

6189. The grocer was fined notwithstanding pleading a warranty?—He did not plead warranty in that case, because the invoice was insufficient for him; he did not plead warranty, but we took up his case and defended him.

6190. I thought that in that case which you spoke of there had been a written warranty?—No.

6191. And the dispute was as to the identity of the goods?—No; we thereupon took steps to try and get the remainder of the oatmeal seized on the public wharf in London through the analyst of the City of London, but he stated that he had no power to seize it, because the goods were not on sale. The miller, who resided in the North of Scotland, having heard of the case, had instructed his agent here to withdraw the goods from sale so that they could not be touched.

6192. Do you know what became of those goods?—I do not know at all. That shows the unsatisfactory state of the law.

6193. I know that you have taken a very great interest in this matter, and your object has always been to bring about some intelligible and more satisfactory state of affairs?—A much more stringent Act. Our interest, and the interests of all respectable traders, is to put a stop to adulteration.

6194. In connection with this proposal you go the length of constituting the invoice a warranty, with perishable goods in bulk, for 14 days?—Yes.

6195. How would you meet any difficulty that might arise in connection with them?—In what way?

6196. You would have the same difficulties, would you not, in point of principle, though possibly not to the same extent, as to proof of identity?—That would be limited in extent, because the goods would be fresh, and you would be able to trace their career and everybody who had had to deal with them. They would not be mixed either. Grocers very frequently mix goods after they get them; they mix various parcels together.

6197. You spoke in your evidence in chief about a person selling cocoa to an inspector; but if he was well up in the law he would probably have put some label upon it, would he not?—Yes.

6198. Have there been frequent prosecutions for selling as cocoa what is really a mixture?—Certainly there are constant prosecutions for cocoa containing various forms of starch. The manufacturers, in addition to selling them in packets, sell them in large packages as well, by the cwt. And the same with mustard and coffee also; they are sold in large packages as well as in packets.

6199. I know

Sir *Charles Cameron*—continued.

6199. I know you have taken particular interest in the matter of spice adulteration, with exhausted spices such as wild nutmeg and wild mace?—That is so.

6200. On what principle would you propose to deal with that?—I should propose that the Government Department should have power to define what was a nutmeg and what was not, or what was mace and what was not. The essential qualities of the spice ought to be evidently contained in the substance sold under that name. Now, the wild nutmeg and the wild mace in some cases are entirely worthless substances; they have simply an outward resemblance.

6201. Is it not a product of the same plant?—No, it is a different plant altogether. It has an outward resemblance only.

6202. Did I rightly understand that you propose going even so far, with regard to exhausted ginger, that you would refuse to allow it to be used in connection with food for cattle?—No; excuse me. I propose to disallow its use by the spice-ginder, but not for cattle food, though I think a great deal of it would be very worthless for that purpose.

6203. I understand that generally you are in favour of allowing a declaration of the mixture in writing or the mixture in legible type to be sufficient notice to the purchaser?—Not a general declaration. I want the percentages stated.

6204. About the percentages, are you aware that the coffee sellers say that it is impossible for analysts to tell exactly the amount of the percentage of chicory in coffee?—I propose to allow a margin in that case under which convictions should not take place; if the margin was not exceeded convictions should not be allowed.

6205. But you would like to apply the same principle to all the articles?—Yes.

6206. Then in the case of an article that had a number of different ingredients in it, would it not be practically very difficult to give the percentages of the different ingredients?—You might, as the alternative proposal I made, simply state the percentage of the predominant partner. For instance, if more cocoa was contained in the article than the admixture, you would say, "This contains 55 per cent. of cocoa and 45 per cent. of other ingredients," without going into great detail. I should be satisfied with that.

6207. Then take the case of ginger, for instance, or some other spice that is more or less mixed; take pepper and poivrette?—That is a distinct adulteration. I should not allow that.

6208. Or pepper adulterated with pepper-husks or shells?—I should have the standard there made by the new department as to what should constitute adulteration, and what proportion might fairly be used.

6209. But there is one thing that is most desirable, I suppose you would agree, and that is, that people should know exactly what a given article meant. For instance, that after an Act being in operation for 20 years it should not have yet to be decided what was vinegar?—Certainly. I think that ought to be the main object of the law, that whatever the public ask for they should get.

Sir *Charles Cameron*—continued.

6210. Then you spoke of the consolidation of the law. You are aware, are you not, of the different laws on the subject, the Sale of Food and Drugs Act, the Margarine Act, and another Act you referred to?—The Fertilisers and Cattle Food Act, and the Merchandise Marks Act. I should like to see the law consolidated so as to cover the naming of goods.

6211. I do not think the Merchandise Marks Act is at all within our reference; but you have certain Acts with regard to milk and certain Acts with regard to butter and margarine?—Yes. I should like to see all those amalgamated in one.

6212. There are some different principles embodied in them, and I should like to have your opinion definitely upon them; for instance, in the Margarine Act the essence of the Act is a printed definition of the nature of the article on the paper, and on the place at which it is displayed, and so on?—Yes.

6213. That is convenient; are you in favour of that as against compliance with the "nature, substance and quality demanded"?—I think I am.

6214. In the matter of drinks, a certain amount of adulteration with water is permitted by a special Act of Parliament?—By special Acts of Parliament.

6215. By a special Act of Parliament which prescribes the dilution?—Yes; of course all spirits are diluted to begin with, because proof alcohol is half water.

6216. But gin is allowed to be so much under proof, and so on?—Yes.

6217. You have, in fact, got a standard there?—Yes, I want to see that extended.

6218. You are in favour of standards as to goods diluted with innocuous matter?—Yes.

6219. In the matter of milk you have provision made for taking samples before they reach the retailer. Are you in favour of an extension of that principle?—That principle throughout.

6220. Then I take it that generally you are in favour of the principle of implied warranty being extended throughout?—Yes.

6221. With your reserves?—Yes.

6222. So that, I think, after all we are not much at variance?—No.

Mr. *Colman.*

6223. In using the word "written," I presume you mean written or printed, particularly in these days of type-writing?—Certainly, I mean that. I think that the invoice generally ought to be sufficient. The magistrates, in some cases of warranty, hold that the warranty should be written in a very formal way and actually signed by a member of the firm. In business that would be practically impossible. Whatever is done, the invoice ought to be a guide to it.

6224. Written or printed?—Yes.

Mr. *Kilbride.*

6225. Fourteen days is a long time for perishable articles to be kept, is it not?—I am under the impression that that was the suggestion of the public analysts. I have not gone into that myself, but I should be quite prepared for a variation in that if it was thought to be too long.

Mr. JOHN CLARK FORSTER, called in; and Examined.

Sir *Charles Cameron.*

6226. YOU are a partner in the firm of Messrs. Fergusson and Forster, who are one of the largest importers of liquorice juice, and have been so for many years?—Yes.

6227. Liquorice, as we all know, is used largely in connection with medical purposes, such as the making up of prescriptions, and the manufacture of pills, and so on?—Yes.

6228. Do you think that it is largely adulterated?—Very largely.

6229. Have you any evidence to give on that point?—Yes, I have got half-a-dozen analyses in my hand.

6230. Will you just let us have the substance of them, please?—This is one of them; it is from Mr. Bernard Dyer.

6231. That is in 1887?—Yes. "I have examined the two samples of suspected liquorice you sent me, one consisting of sticks about half an inch thick. I have carefully examined and compared them with specimens of genuine Spanish liquorice, and find that they both contain a good deal of farinaceous matter foreign to genuine liquorice, as well as other impurities; and I am of the opinion that neither of these contains more than 25 per cent. of the genuine extract, if even there is present as much as this."

6232. Have you got another certificate from the same gentleman, given you on the 20th December 1892, to the effect that certain liquorice juice was adulterated to the extent of at least 50 per cent. of foreign matter?—Yes.

6233. And a third, in 1892, to the effect that the juice was adulterated to the extent of at least 30 per cent. of foreign matter; and a fourth, in 1892, of which the same Mr. Dyer said that he was of opinion that only one-half of it was genuine liquorice?—Yes.

6234. Would you please say what are the chief adulterants?—Principally farina, rice starch, sago flour, millers' sweepings mixed with sugar, and farinaceous substances generally.

6235. What are millers' sweepings?—Sweepings from the miller's floor, I suppose; anything but flour.

6236. That deprives the liquorice entirely of any medicinal quality, I suppose?—It takes it nearly all away, I should think.

6237. And you say that it is calculated to induce the presence of weevils and maggots, and that you have examined specimens which have swarmed with those insects?—Yes; when the liquorice juice has been kept any time it decays and turns rotten, and these insects breed.

6238. What is done with it then?—It is kept as long as it can be, I suppose, till it is useless, and then is thrown away or destroyed. When it is in good order I suppose it is used in whatever way liquorice is used.

6239. You say that these and other adulterants; I do not know whether you refer to the weevils there?—No.

6240. You say that they are largely used with pure liquorice in the manufacture of confectionery

Sir *Charles Cameron*—continued.

known as Pomfret liquorice, pipe liquorice, &c.?—Yes.

6241. Your complaint is that these generally contain only a small proportion of liquorice, and the manufacturers are still permitted to call them by that name?—Yes.

6242. What would you suggest in connection with that?—I should suggest that they should be sold as a compound or a mixture.

6243. These liquorice sticks, that pipe liquorice you speak of, is, I suppose, purely a confectionery product?—Pipe liquorice juice is; but there are other sticks, smaller sticks and larger sticks, sold in the same way as sweetmeats, and used in different ways, that are made of the same stuff, or worse stuff.

6244. As to that liquorice which you saw swarming with weevils, do you happen to know whether that found its way into Pomfret liquorice or pipe liquorice?—I do not know. It was imported from France; that is all I know.

Mr. *Frye.*

6245. Would not the insects attack the genuine liquorice?—No.

Sir *Charles Cameron.*

6246. You think it is absolutely essential that anything not containing at least 95 per cent. of liquorice should not be allowed to be sold under that name?—Yes.

6247. Has there been any prosecution in connection with adulterated liquorice?—Several, but only one or two that I know of.

6248. At whose instance?—In one case, I do not know at whose instance it was, but one man was convicted.

6249. I suppose the pharmaceutical trade is more interested in getting pure liquorice than any other?—Yes, it is; but, still, nothing has been done in the article at all; it is a common, well-known fact.

6250. You propose to allow 5 per cent. of impurities; what are the impurities?—Anything connected with dirt or dust, or anything of that kind, in the manufacture of it. It ought to be really pure within, at any rate, 1 per cent. or ½ per cent.

6251. In my juvenile days I got a recollection of liquorice containing bay leaves; is that the case?—It does not contain them; it is packed in them.

Mr. *Frye.*

6252. Is it easy to detect the adulteration of liquorice?—I think so.

Sir *Charles Cameron.*

6253. You also have experience in regard to arrowroot, caraways, ginger, and pepper, I think?—Yes.

6254. Will you please tell us what you know about them?—I can give you an instance only about a fortnight ago when 200 or 300 bags of caraways were put up for public sale which were adulterated with drawn or exhausted seeds to

Sir *Charles Cameron*—continued.

the extent of at least 25 per cent. These were not offered for public sale; they were put up, but were withdrawn at the request of several members of the trade. They were imported adulterated.

Mr. *Frye.*

6255. How are they exhausted?—They exhaust the oil; they take the oil from them.

Sir *Charles Cameron.*

6256. Does not that materially alter the appearance of the seed?—Not very much, but it does rather.

6257. That of course comes within the Act as at present; the Act provides against the exhaustion of any valuable ingredient?—I believe it does, but it is still extensively carried on.

6258. I suppose in connection with the ordinary adulterating machinery, such articles as caraways would never come up?—No.

6259. If you, for instance, had bought as caraways that lot of caraway seeds, you would have had your civil remedy in refusing to pay for them?—I do not see how we could. It is put up to the public sale and sold under public sale conditions.

6260. And not warranted?—And not warranted in any way.

6261. About arrowroot; you say that is largely mixed with farina and potato starch?—Yes, that is a well-known fact.

6262. Have you had any examples of prosecutions for that adulteration?—Not at all; not lately.

6263. Is that adulteration practised in this country or abroad?—Over here, I should think, principally.

Mr. *Frye.*

6264. What would be the lowest price that pure arrowroot is sold at?—About 1½*d.* per pound.

6265. That would be pure arrowroot, would it?—Yes, 1½*d.* to 1¾*d.*

Sir *Charles Cameron.*

6266. I forget whether you said there had been any cases of prosecution?—I have never seen one at all.

6267. What is your trade exactly?—We call ourselves spice merchants.

6268. Have the spice merchants, as a trade, any organisation to protect themselves against such frauds?—No.

6269. You say that caraways and ginger are mixed with the exhausted products?—Yes.

6270. And that pepper is adulterated with ground rice, long pepper, olive stones, &c.?—Yes.

6271. What is long pepper?—Long pepper is a sort of wild pepper.

6272. Is it the product of a different plant?—Yes, entirely.

6273. And olive stones is what they call poivrette, is it not?—Yes, from the olive.

Mr. *Frye.*

6274. With regard to arrowroot sold as pure arrowroot, sold at 1½*d.* a pound, what would it pay the manufacturer to adulterate that with?—The common sorts are not generally adulterated; it is not worth while, and, besides, it might improve them.

6275. What kind of arrowroot is generally adulterated?—The better sorts; the better qualities. Arrowroot goes up to 2*s.* 2*d.* a pound.

Mr. *Kilbride.*

6276. You talked of millers' sweepings being used as an adulterant; of what?—Of liquorice juice.

6277. Is not what is known as millers' sweepings the refuse after cleaning up the floors and lofts of millers?—I do not know what it is; it is a term, millers' sweepings; it means any sort of rubbish I believe.

6278. You are not able to say, as a matter of fact, that it is the sweeping-up of the lofts; the cleaning up generally?—I believe it is.

6279. That is what it is known as, is it not?—Yes.

Mr. DANIEL RICHARD HARVEST, called in; and Examined.

Sir *Charles Cameron.*

6280. ARE you a member of the firm of W. and D. Harvest?—Yes.

6281. And you have had a personal experience of over 50 years in the spice and grocery trade?—Yes.

6282. You have heard what has been told us by Mr. Forster, who has just been examined, and also by other witnesses. Can you add anything to that evidence?—I could not hear Mr. Forster's evidence, but I wish to bear testimony myself to the fact that the Adulteration of Food Act has proved advantageous to the public as well as to the honest wholesale dealer.

6283. Before we come to that, would you tell us about adulteration?—I am coming to that presently.

6284. When has the Act proved beneficial?—I think it has proved beneficial in its operation in regard to ground pepper and ground ginger. We know ground pepper was in many

Sir *Charles Cameron*—continued.

cases adulterated with long pepper as well as with ground olive stones and other ingredients. Ground ginger was sophisticated with spent ginger. You are aware probably that that is a mere fibre of the spice after all the essential qualities have been abstracted, and is quite worthless. These adulterations which were perpetrated by certain wholesale firms, and carried on rather extensively for some years, have been recently checked, and have received practically, in my opinion, their death blow, by the vigorous application of the law in most parts of the kingdom.

6285. Have you any examples of this vigorous application of the law?—Yes; numberless prosecutions have taken place, and several hundred men have been prosecuted; and we find, as wholesale dealers, that they are anxious to secure now the article perfectly genuine, both in pepper and ginger.

Sir *Charles Cameron*—continued.

But the Act has been powerless or inoperative in the case of certain imported goods. Amongst these I would like to mention some instances within my own experience. Some few years ago about 70,000 lbs. of pepper dust, so called, were submitted for public auction in Mincing-lane. As the samples on show were flavourless, I challenged the action of the brokers in offering the article as pepper dust, and finally succeeded in getting the sale postponed for the purpose of obtaining an analysis. The authorities at Somerset House declared it to consist of only 1 per cent. of pepper, with 99 per cent. of sand and clay and other valueless ingredients.

6286. What is pepper dust?—It is not sold at all now; it is supposed to be the siftings out of the peppercorn. I called upon the City Officer of Health, Dr. Sedgwick Saunders, to condemn this rubbish, but he declared that he was powerless, and the 70,000 lbs. were sold by auction, in spite of protests on the part of a few buyers, during the following week.

6287. Have you any idea what it fetched?—£17 10*s.* a ton; that was about a third of the then value of pepper.

Mr. *Frye.*

6288. And this was distributed throughout the country?—Yes, distributed throughout the country and mixed with other pepper.

6289. Did that lead to a number of prosecutions?—Yes, a great number.

6290. And those people knew nothing about what it was?—Yes. I had written a letter in the "Times" which called attention to it, to put people on their guard.

Sir *Charles Cameron.*

6291. Can you give us any explanation of how spice merchants, who, I suppose, bought it, and must have known what they were buying, would give such a high price for it?—You must bear in mind that Mincing-lane Market is the central market of the world, and the buyers there represent people from all countries. They may have been foreign buyers; but I know that a good deal of it got into consumption in this country. On another occasion 240,000 lbs. of pepper, being the salvage recovered from a fire at one of the public wharves on the Surrey side of the Thames, was submitted for public auction on the site of the premises. This pepper, which had been soaking in Thames water for several weeks, was saturated with sewage, had beocme most offensive, and utterly unfit for use. I could obtain no assistance from the local authorities, but I attended the sale and protested against this outrage on commercial morality and fair dealing, but was only jeered and laughed at by the large assemblage of buyers who were present. In this case the pepper was ground and sold as genuine, and although this was literally true, yet the article was quite unfit for human consumption. There were 240,000 lbs. of pepper there. The Act should be altered so as to be operative before such noxious or impure articles could be sold and scattered broadcast over the kingdom.

6292. That is an example, I suppose, of where the Act has been powerless or inoperative?—Just so. It is not so very long since a large consignment of white pepper reached London from the Straits Settlements. Experts were led to believe it was a pure article, but it was subsequently discovered that a large portion of the supposed peppercorns were small clay pellets, exactly resembling in shape and colour the genuine article. This fraud was said to have been practised on the exporters by the Chinese dealers before shipment. A similar case came under my notice a few years earlier, when several hundreds of bags of an article known to the trade as pearl tapioca (the small round tapioca) was, after it had been sold and distributed, found to consist entirely of farina or potato starch, the value of which at that time was but little more than half the value of tapioca. The last case of fraudulent import to which I should like to direct the attention of the Committee occurred at the Mincing-lane spice sales within the last few weeks. That was with reference to the caraways I heard Mr. Forster refer to just now, and which I need not repeat perhaps.

Chairman.

6293. Will you give us your version of it?—Three hundred bags of caraways, about 15 tons in all, which were offered, were found to be mixed with drawn seeds (that is, seed from which the essential oil has been abstracted). An immediate protest was made by some members of the wholesale trade, and the whole parcel was withdrawn. It will be seen from these facts that the members of the wholesale spice trade have to exercise the greatest vigilance and care to protect their own interests and those of their customers.

6294. When a parcel like that has been withdrawn, what becomes of it?—That is the question; we do not know.

Mr. *Frye.*

6295. Have you not been able to trace it?—I suggested at the time to the selling broker that he should return it to the place from whence it came, but it only caused laughter at the time. I should mention, with regard to these drawn caraways, that there is a regular market for them in Mark-lane; you can buy them from 10*s.* to 12*s.* a cwt.

6296. What is the price of caraways themselves, the genuine article?—The price of genuine caraways is about 28*s.* to 30*s.* a cwt.

Sir *Charles Cameron.*

6297. Is the trade in these spent caraways considerable for the purpose of mixing them as an adulterant?—Yes.

6298. And there is no honest purpose to which they can be applied?—No, there is no honest purpose to which they can be applied; of course they are mere refuse. They can be easily detected, they are much darker than the ordinary caraways. An ordinary magnifying glass will expose the fraud at once.

Mr. *Frye.*

6299. They are absolutely worthless, of course?—Yes.

6300. What

Mr. *Kilbride.*

6300. What was the proportion?—I do not know the exact proportion; we could only see that they were mixed, I should think only 10 per cent., not more.

Sir *Charles Cameron.*

6301. Ten per cent. of what?—Drawn caraways with the genuine seeds. The Act has also been inoperative in the case of candied peel. The sale of this article in the United Kingdom is very considerable, amounting in the course of the year to several thousands of tons. The greater part of this is pure; but some few makers have lately introduced a cheaper article known to the initiated as candied skins, that is lemon and other peels from which the essences have been abstracted.

6302. Can you tell us what candied peel should be made of; is it orange peel?—Just the peel after the juice has been expressed.

6303. But there are some special peels, are there not, made of orange-like fruits having thicker skins?—They are of various sizes, but cut in half.

6304. A shaddock, for instance?—Yes, cut in half, the juice expressed, and the pulp removed.

6305. Are they not made of different qualities, from shaddock skins, for instance?—I do not know whether shaddock skins are used, but there are different sizes and qualities of lemon and citron and orange. That causes a little difference in the value of them; but in each of those cases the article is genuine. But now they have taken to removing the essential oil.

Mr. *Frye.*

6306. Is that easy to detect?—It is by tasting it. It is not very easy; it is considerably different from ordinary best quality peel. My firm drew the attention of the retail trade to this fact in a circular about nine months ago, when it reached one of the leading daily papers, which exposed the custom and condemned it.

Sir *Charles Cameron.*

6307. You could hardly call that an adulteration, could you?—It is a fraud.

6308. It is a fraud, I dare say, to sell cheese worth 1*s.* at 2*s.*, but would not that be a case of *caveat emptor*; they do not sell it under any name, do they?—They sell it under the name of candied peel, and you are supposed to get a pure article in that way, which it is very desirable to get. The Act has also proved very unjust in its operation very recently in some prosecutions in the sale of ground cassia, in which it was alleged there was 6 per cent. of extraneous matter. The Act allows from 3 per cent. to 4 per cent. "where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation." Cassia is a bark which is sometimes coated with fully 6 per cent. of earthy or sandy matter, irremovable, and yet, in spite of this acknowledged fact, the Bench have convicted the several defendants and inflicted fines.

6309. Do you deal in cassia?—Yes, it is a spice, and an important spice.

Sir *Charles Cameron*—continued.

6310. What is it used for specially?—It is used for mixing with cakes and for culinary purposes, I believe, specially, and articles of that sort. In some other prosecutions during this year there have been convictions and fines for selling ground cassia as ground cinnamon. I can assert, with the greatest confidence, that these charges were altogether untrue, and were due to the ignorance or incompetency of the analyst.

6311. Were they appealed to Somerset House?—They were not in those cases. About two or three months ago my firm, having supplied the ground ginger alleged to have been adulterated, conducted the defence; that was in the north of England, by the way, to which an honourable Member lately referred. In this case the sample was pronounced by the local analyst to be impure, because there was only 94 per cent. of ginger and 6 per cent of extraneous matter. We were represented by counsel, and proved in evidence that the article had been ground as imported. The bench of magistrates were unconvinced, and the matter was finally referred to Somerset House. The decision in that quarter confirmed our statement, and the case fell through.

6312. You say that the article was imported; do you mean that it was imported with certain impurities in it?—No, no impurities; just the ordinary skin of the ginger. This ginger had been what they call washed in the place of growth; that is to say, all the dirt had been removed, but in spite of that there was a little extraneous matter on the skin of the ginger; but, although the charge was unfounded, we were not publicly exonerated, and had to bear the costs of the defence, amounting to between 20*l.* and 30*l.* That seems a great hardship and injustice.

6313. Do you guarantee everything?—Yes, with everything that we sell we give a guarantee that it is genuine.

6314. You give a guarantee with it?—Yes, our invoices are all stamped with an india-rubber mark.

6315. Then, if a case is brought against one of your customers, what do you do?—We immediately defend it.

6316. Defend it for him?—Yes.

6317. You do not allow him to plead warranty?—He is quite at liberty to mention our name in the matter; we are not ashamed of the transaction, knowing it to be right.

6318. Have you had many of these cases?—Not many; very few. We have never had one case of pepper yet. The percentage of extraneous matter here is so small, 6 per cent., that it cannot possibly be added for profit; the commoner kinds of ginger are not worth 4*d.* a lb.; and it would never answer the purposes of the manufacturer to mix 6 lbs. of extraneous matter; it would reduce the cost too little.

6319. Can you tell us anything about the market for exhausted ginger?—Yes, I know it has been extensively used till it was stopped by the prosecutions lately. I look upon it as absolutely worthless, and I do not think it should be allowed to be sold.

Mr. *Frye.*

6320. Is that sold at public sales?—No, it is never sold at public sales; it is sold privately. I could cite many other instances where wholesale firms have defended cases of alleged adulteration at great expense and inconvenience, and where, when the charges could not be sustained, they have received no compensation. This is felt as a serious grievance, and I feel, in common with many others, that the Act should be amended, and that in every case where a summons has been issued and the defendant has been acquitted, all expenses incurred by the accused should be reimbursed by the local authorities. There is one article that I should like to refer to as a manufacturer, and that is baking powder. This demands special notice. To sell cakes or bread containing alum, even should such an adulterant be traced to the use of baking powder, is an offence under the Act, and yet baking powder containing alum can be sold with impunity. This results from a decision in February, 1894, in the High Court of Justice, that the sale of alum baking powder is not illegal.

6321. Can you give us the name of the case?—It is the case of James *v.* Jones, reported in 58 Justices of the Peace, page 230. It was declared not illegal, not because alum was not injurious, but because baking powder could not be defined as an article of food. The remedy lies in the special inclusion of baking powder as an article used in the preparation of food, or in a compulsory alteration of the label to alum baking powder, the word "alum" being printed in large type. Pending this necessary alteration of the law, the interests of honest manufacturers and traders are seriously affected. I consider that the retail grocer has suffered a great injustice under this Act. He has been summoned in hundreds of cases for the sale of goods in sealed packages bearing the maker's name, and for the contents of which he should not be held responsible. On the other hand, the wholesale dealer needs protection. It is quite proper that he should give a warranty on the invoice, but a reasonable time should be fixed for this warranty, and his interests should be guarded against inadvertent or wilful adulteration after an original package has left the dealers' premises. I should mention, with regard to that, that it is only very recently that a man wrote us from a distant part of the country stating that he had been summoned for selling cinnamon that was not genuine. He said that the cinnamon was had from us. We referred to the ledger, and we found that the last transaction we had had with that man was 18 years ago; and, of course, it is quite unreasonable to hold us responsible for an article that left our premises 18 years ago, which would have deteriorated.

6322. That is a self-evident case, I think. You say you have not had to defend many cases?—No, only two or three.

6323. You have been in the trade a very long time?—Yes, we have been very particular in putting up our goods.

6324. I am not referring to that point; but you have been in the trade a long time, and during all that time, I understand, you have guaranteed your goods?—Yes.

Mr. *Frye*—continued.

6325. And you have had no trouble, in fact you mentioned one case which you defended as almost unique in your experience?—Yes, we had two or three cases of that kind, but they have not been numerous.

6326. So that you have not had any trouble arising out of the guarantee you have given?—No, but many of our customers have had.

6327. But you, as wholesale dealers, have not had any?—No. It is quite proper that the seller should give a warranty on the invoice. The sale of spent or exhausted ginger, of spent caraways, or any other trade refuse of the like character, should be made illegal. With reference to the Mincing-lane Market, seeing that it is the central market of the world for imported produce, I should not recommend any alteration in the existing law; but in cases where goods can be proved on affidavit to be unfit for human consumption, I would suggest that the officer of health be authorised to interdict the sale of such goods in this country.

6328. How would that reach your exhausted caraways; they may be not what they pretend to be, but still there is no evidence that they are bad?—Look at those two cases I mention, of pepper or pepper dust and other pepper; the officer would not interfere when they ought to have been thrown away and destroyed.

6329. Take the case of caraways and exhausted ginger; there is no allegation that they are unwholesome, although they had had some essential portions extracted and were therefore less valuable?—It is proved to be illegal if spent ginger is mixed with ordinary ginger.

6330. I was simply wanting to know how your proposal would cover them?—I think that the sale should be made illegal. It is the ginger-beer makers and others who extract all the essential properties from those articles; it is simply all refuse.

Mr. *Colman.*

6331. Is it difficult to detect this exhausted ginger?—The powder is generally perfectly flavourless. If it is only partly flavourless it has not the pungency of genuine ground ginger.

6332. And you think there would be no difficulty about an analyst detecting it?—I think an analyst could easily detect it.

6333. When you say that the local authority should bear the cost, what do you mean by the local authority, take London for instance?—I mean the county council for the district.

6334. In villages?—Yes. The analytical officer is appointed by such bodies; I do not know what they call them, the vestries or county councils or whatever they may be; they are public bodies.

6335. That of course would necessitate an alteration of the law?—Yes.

6336. At the present time, under the present law, they would not be allowed to spend money in that way?—No. It would make analysts more careful if they were responsible for the results of their mistakes.

6337. I am not sure whether you said that small grocers or retail grocers were attacked?—I said small grocers.

6338. Do

Mr. *Colman*—continued.

6338. Do you bear out what we have heard before, that inspectors go to small places?—Yes, that is my belief from what I have read in the trade papers.

6339. Does that accord with your own experience?—Yes.

Mr. *Kilbride.*

6340. You spoke about the adulteration of pepper. Where is the adulteration generally carried on?—By the public grinders who grind for the trade.

6341. Is it adulterated after importation?—It is imported as pure pepper and ground, and in the process of grinding it is adulterated.

6342. Did you not tell us that even in whole pepper it was adulterated with common clay?—Yes, that came over from the Straits Settlements in that condition.

6343. Was it necessary to use colouring matter on that clay to make it look like pepper?—It is made to resemble it in every respect; it was with the greatest difficulty that the fraud was discovered.

6344. I presume that the natural colour of that clay was not the colour of pepper?—It must have been coloured to resemble pepper, no doubt.

6345. Is colouring matter used to perpetrate fraud in any other branch of your business?—Not that I am aware of.

6346. As a matter of principle, are you opposed to colouring matter being used on any article which, by being coloured, is made to represent what it is not?—I should call that a fraud.

6347. And it should be prevented by law?—Yes; if it is done for that purpose, I think so.

6348. You spoke of a certain quantity of pepper being sold which contained only 1 per cent. of pepper and 99 per cent. of sand and clay?—Pepper dust; that is an unusual thing.

6349. I am perfectly ignorant on the matter, but it strikes me that any wholesale merchant buying that article ought to be able to see at once, from the weight of a small quantity, that it could not be pure pepper dust. Is not pure pepper dust, as a matter of fact, a light substance?—Anyone not connected with the trade could tell that it was not pure pepper; on tasting it, there was no flavour of pepper about it.

6350. Irrespective of taste altogether, if I get a handful of pure pepper in one hand and I get a handful of this mixture in the other hand, with 99 per cent. of sand and clay in it, surely it must strike me at once, from the weight of the two articles, that it cannot be pure?—Pepper dust is not uniform in weight or colour. Peppers come over of various colours, and they vary very much; therefore the pepper dust varies very much in colour.

6351. Surely the pepper dust does not weigh the same in bulk as sand or clay?—I suppose it would not.

6352. Therefore, from the mere weight, this gentleman who gave 17*l.* a ton for it ought to have known that it could not be genuine pepper?—At that time it was much dearer.

6353. What was the price of genuine pepper?—I should think 5*d.* or 6*d.* a pound.

Mr. *Kilbride*—continued.

6354. What would be the price per ton then?—£17 10*s.* a ton is nearly 2*d.* a pound.

6355. Then, when this was sold for 17*l.* 10*s.*, the price of genuine pepper would be four times that?—Yes.

6356. You stated that in one of these cases of prosecution the analyst described some article which you sold as another article, or as an adulterated article?—That was ground ginger, containing 6 per cent. of extraneous matter.

6357. That was his report?—Yes, I believe that was actually the fact, but Somerset House said it was only a fair proportion.

6358. Do you not find that Somerset House, as a rule, is always very fair to the trade?—Yes, very much so; they have always acted fairly to the trade, and been a great protection to the trade hitherto.

6359. Was this North of England analyst a Yorkshire analyst?—I do not know what his nationality was.

6360. I am not speaking of nationality, but of the district?—I do not know where he came from; I have no knowledge of him.

6361. You say that when traders are prosecuted and the prosecution has failed they ought to be re-imbursed by the local authorities?—Yes, I think so, when they are put to large expenses and the prosecution is proved to be unjust.

6362. Do you not think that that would nullify the Act altogether?—Do you not think it is a very hard case for a man to have to pay for an unjust prosecution when he is proved to be innocent?

6363. I admit that. Do you suggest that before prosecution should take place the local analyst's test ought not to be sufficient justification without that local analyst's test being corroborated by Somerset House?—I do not say that.

6364. What suggestion do you make then to protect both the honest trader and the local authorities from the incompetency perhaps of the local analyst?—So far, we have looked to Somerset House for protection and found it there, as a rule.

6365. But you have not found it until too late; until you have been mulcted in costs?—I suppose that is inevitable as the law stands now.

6366. Have you any suggestion to make to the Committee to prevent actions of that kind being taken in the first instance?—I think that if defendants are reimbursed it will make the analysts more careful in making their charges, which I think are made recklessly in many cases.

6367. You mean that the local analysts are not fit for their position?—That is my opinion of many of them.

6368. Do you think that no man should be appointed to be a public analyst unless he has passed through a certain course of examination?—I think it would be a great guarantee to the public and the trade if such were the case. But in many cases where the expenses of convictions have been incurred, the packages that the defendants have been convicted upon distinctly stated that the article contained an admixture.

22 May 1895.

Mr. CHARLES UMNEY, called in; and Examined.

Sir *Charles Cameron.*

6369. YOU are, I believe, a partner in the firm of Wright, Layman, and Umney, wholesale druggists and manufacturing chemists at Southwark?—Yes.

6370. That is a firm, I believe, which supplies the whole of Her Majesty's Army with drugs?—Yes.

6371. You are also a member of the committee appointed by the Pharmaceutical Society of Great Britain to aid the Medical Council in framing a new British or Imperial Pharmacopœia?—Yes.

6372. You are Chairman of the Chemical and Drug Section of the London Chamber of Commerce?—I am.

6373. And you are honorary secretary of the Drug Club, representing 50 of the leading wholesale druggists of England?—I am.

6374. You have been engaged in the wholesale drug and chemical trade for 30 years?—Over 30 years.

6375. And you are conversant with the standards of purity which ruled both prior and subsequent to the passing of the Sale of Food and Drugs Acts of 1875 and 1879?—Yes.

6376. Do you think that the Act of 1875 has done good service in connection with the prevention of adulteration?—I think it has done excellent service. It has raised the standard at the present time to a very creditable position.

6377. Would you say that at the present time the drugs in this country cannot be excelled in purity?—I think that is so; chiefly from the working of the Act.

6378. You think the provisions of the Act have been carried out both with efficiency and moderation?—With moderation on the part of the authorities, and with very great efficiency on the part of the public analysts.

6379. But you think that the analysts have in certain cases been called upon to undertake duties which they should not have been called upon to undertake?—I do think so, from the absence of standards in books of reference. Speaking of the "British Pharmacopœia," for instance, to which book they have to appeal for standards, that book, in the majority of cases, contains but few suitable standards that analysts can refer to, and therefore it is a most difficult thing for them to decide what shall be the standard. Analysts, of course, are not as a rule expert druggists, and in those cases where they have been called upon to advise they have sometimes misled the authority. But the fault has not been theirs entirely; the Legislature is also to blame in not requiring that the "British Pharmacopœia" shall be the standard by statute law.

6380. Would it not be rather a strong measure to make the "British Pharmacopœia" statute law?—No, I do not think so, when the "British Pharmacopœia" has been revised.

6381. You say that sometimes the public analysts have been asked to advise as to the desirability of prosecution or otherwise where the drugs sold appeared to fall short of the standard, and you refer to a tincture of rhubarb case as illustrating that; what were the circumstances of that case?—The tincture of rhubarb case was tried at Stockton. The public analyst expected to obtain a definite amount of extractive from rhubarb. The "Pharmacopœia" does not give a definite amount of extractive, and authorities on rhubarb state that the extractive varies some 20 to 30 per cent. How, then, could the extractive found in tincture rhubarb be constant?

Sir *Charles Cameron*—continued.

6382. Does not that hold good more or less in connection with tinctures generally?—Yes.

6383. And with analyses generally?—No.

6384. Take the analysis of coffee and chicory, for instance?—I am not speaking on foods; I will speak of drugs if you please; I will give an example: quinine, for instance, should contain 98 or 99 per cent. of pure sulphate of quinine. The "British Pharmacopœia" test would pass the presence of a small quantity of cinchonidine sulphate.

6385. But the "Pharmacopœia" gives you a test for that?—Yes.

6386. And it gives tests of purity, and would give tests for purity of tincture of rhubarb, would it not?—No, it gives no test in cases of that sort; and those are the cases to which I referred in which analysts have been at a great disadvantage.

6387. Have analysts often had to entertain such cases?—No, not often. The contentions in the drug trade have been few and far between; but in some of those cases where they have contended mistakes have been made by analysis. There is another case to which I should like to call attention; that is the case of a prosecution of tartaric acid last year in Woolwich. On account of an imperfection in the manufacture, the presence of a very small quantity of lead, metallic lead, was detected in citric acid and also tartaric acid, and about 20 or 30 summonses were issued broadcast in the district of Woolwich against retailers.

6388. What was the exact percentage?—About one part in 10,000. The citric and tartaric acid had been manufactured in leaden plant.

6389. And had got slightly contaminated?—Yes.

6390. To a poisonous extent?—No, not to a poisonous extent. In defending the case, which was taken up by the trade, we had Professor Stevenson, from Guy's Hospital, and other experts, to prove that the minute quantity of lead that was present, presuming that the acid had been compounded into an aërated beverage, would have been without injurious effect.

6391. What were the results?—Those cases were finally dismissed; but that was just one of those prosecutions that ought never in my opinion to have been instituted.

6392. You speak about analysts having been perplexed in condemning or approving those preparations principally employed as household remedies in which the formulæ by which they have been compounded have been superseded in later pharmacopœias by other slightly modified formulæ,

Sir *Charles Cameron*—continued.

formulæ; what have you to say about that?—There is great difficulty with regard to that. The public get into the habit of using a certain medicine; and when a new Pharmacopœia is issued, they will still have their old medicine, the new Pharmacopœia notwithstanding. One man says he will have spirits of nitre made according to the old London Pharmacopœia of 1725. We would like him to have it made by the British Pharmacopœia. Another man says that he gets a better action from milk of sulphur containing 50 per cent. of sulphate of calcium. You, no doubt, will know that you are told by the British Pharmacopœia that milk of sulphur is absolutely pure sulphur. The analysts, therefore, have had great difficulty in deciding, when the public will have things of that kind, as to what is to be done.

6393. Do such cases often crop up?—They have occasionally.

6394. Take the case of sweet spirits of nitre by the old process; has any prosecution been fought with regard to that?—Yes, over and over again. One experiment in the parish of Westminster cost the authorities, I believe, 50*l.*; that is many years ago.

6395. Why did they trouble themselves about it?—Because the spirit did not come up to the standard of the British Pharmacopœia in the percentage of hypo-nitrous ether.

6396. Take the case of the preparation of opium, known as Battley's Sedative?—That is not official.

6397. But there is an official imitation of it?—There is a liquid extract of opium in the British Pharmacopœia which is put there to imitate Battley's Sedative.

6398. You could not have any complication in such a case, could you?—No, in such a case there would be no difficulty at all.

6399. Then take another article, vinegar; that occurs in the Pharmacopœia, does it not?—Vinegar is in the Pharmacopœia, but it is purposed to have it out of the next edition.

6400. But let us take it as it stands; what is vinegar?—I should look upon vinegar as a preparation brewed from malt, containing about 5½ per cent. of acetic acid.

6401. What does the Pharmacopœia say about it?—That is briefly the Pharmacopœia statement. I stated the percentage of strength of real acetic acid that it should contain.

6402. Does the Pharmacopœia hold that vinegar is identical with acetic acid?—No.

6403. Or that acetic acid is the active portion of the vinegar?—We have a diluted acetic acid in the Pharmacopœia also; that is a white preparation made from the stronger acetic acid, by dilution with water; it is a preparation that would contain about 4¼ per cent. of acetic acid, corresponding very much to the strength, so far as acetic acid goes, of vinegar.

6404. There was some divergence of opinion, was there not, in the Law Courts, as to whether the definition of vinegar in the Pharmacopœia should be taken as the governing definition?—There have been numberless prosecutions, and there is a great difficulty when substances that are foods or are used for household purposes are introduced into the Pharmacopœia, and then used as medicines, in deciding of what strength they should be. For instance, in regard to beeswax there have been several prosecutions.

6405. Beeswax is not a food?—But beeswax is in the Pharmacopœia, and whilst it is in the Pharmacopœia it is a drug. A magistrate held, at Wandsworth, nine or ten weeks ago, that it must conform to the characters and tests of the Pharmacopœia while it is in that work; notwithstanding, it may be sold for household purposes.

6406. In your opinion, are analysts apt to look more to the chemical than to the medicinal purity of a drug?—That is so; they look, of course, for chemical purity, when possibly, if the authorities were advised that medicinal purity only was required, they would look at it from a broader view.

6407. Are there many drugs which are largely modified in point of medical efficacy and also in point of chemical composition by keeping?—Yes.

6408. Will you name a few?—Spirits of nitre is one, sal volatile is another, if imperfectly stoppered.

6409. Hydro-cyanic acid is another?—Yes; I could not give a better example than that. A powerful drug of that kind is liable to decomposition on being stored.

6410. It is much more necessary, therefore, that their medical efficacy should be well defined than in almost any other case, is it not?—Yes; that is to say, the quantities taken into stock should, of course, not be large. I should like to deal with that particular point under the subject of warranty. I think that a drug should be warranted by a label, either printed or written; and that when those drugs are not decomposable, then they probably might be warranted for at least six months; but where it is a decomposable drug, such as prussic acid, which you have mentioned, or spirits of nitre, then I think that the warranty should not be for more than one month, because, in the spirits of nitre prosecutions, there have been constant contentions (and justly so) as to the liability of spirits of nitre to decomposition.

6411. You say that instances could be given of laxity in carrying out the Act even in wholesale trading and in high places; will you give us an example of that?—I heard Mr. Harvest just now speaking of sales in the pepper trade. I sit constantly at the Drug Auctions, and have done so for many years on alternate Thursdays, and I see drugs exposed for sale which are not as they are stated to be in the brokers' catalogues, and the selling brokers offer them with impunity. Only last week a case of gum kino, or a substance called kino, was offered for sale. In my opinion, a broker should be as much amenable to the law as a wholesale druggist or a retailer.

6412. And you assert that in that drug market there is but little hesitation on the part of the dealers in offering a spurious drug under the name of that which it most nearly resembles, or for which it is hoped to substitute it?—Yes; that was so particularly last week in this case of gum kino. It was no more like kino to the initiated than chalk is like cheese. But the broker offered it for sale.

6413. Was it sold?—It was not sold, but it might have been.

Sir *Charles Cameron*—continued

6414. Have you seen cases in which a drug which was not of the nature, substance, and quality demanded has been sold?—Yes, many times during the last 20 years; constantly.

6415. Will you give us an example?—Spurious buchu leaves are sold for genuine ones, and false ipecacuanha for true sometimes; they closely resemble the true drugs. And there are many other instances of spurious drugs which are constantly offered for sale.

6416. But do they find their way into the retail trade?—No, I think that the wholesale druggists in England protect themselves very much on account of the operation of the Acts against buying these drugs; but they are bought by foreigners who are present at the auctions. London is the drug market of the world, and only about 20 per cent. of the drugs are bought by Englishmen. Frenchmen, Germans, Americans, and others buy in our market. The bulk of the drugs of the world come to London.

6417. In what way would you classify such a substance as Spanish fly?—Spanish fly, or cantharides, is of insect origin.

6418. But how would you classify it?—It is a drug; it is in the Pharmacopœia. Liniment of cantharides is used externally as a blister and tincture internally as a medicine.

6419. And it is sold?—Yes, but the cantharides that is sold is for the most part genuine.

6420. It is a substance that deteriorates, is it not?—Yes, very much; it is attacked by insects.

6421. But you think that it is generally genuine?—Yes. There are two varieties of fly sold. One is called Chinese fly, and the other Russian cantharides; but they are quite different insects altogether.

6422. Are they both in the Pharmacopœia?—No; *cantharis vesicatoria* (the Russian) is the one used in the Pharmacopœia.

6423. Is the other cantharides sold to replace it?—No, they are both sold distinct. The *cantharis vesicatoria* is a bright green beetle, and the other (*Mylabris*) is a brown beetle, so that they are quite distinct in appearance.

6424. What is the second one used for?—It is used also for blistering purposes, and for the production of cantharidine, which is the active principle. It answers the purpose for this manufacture just as well as the other, and is sold so much cheaper that the active principle of the blistering fly is made from it, rather than from the other, and more especially when the other commands a high price.

6425. Does cantharidine keep?—Cantharidine, the active principle, keeps perfectly.

6426. Is the China fly cheaper?—Yes.

6427. Is there any reason to suppose that it finds its way as an adulterant into the genuine cantharides?—There is no reason to think so whatever.

6428. You think that in amending the law on the subject it should be definitely stated that the standard of strength adopted by the British or Imperial Pharmacopœia, for the time being, should be the legal standard for the purposes of the Act?—Yes, I do think so.

6429. And that when any substance used in medicine is not described in the current Pharmacopœia, then the standard mentioned in that particular Pharmacopœia in which such drugs appear should be adopted?—Yes, I think that the old editions of the British, Edinburgh, or Dublin, or London Pharmacopœia must occasionally be referred to.

6430. And would you even import the American, or French, or German Pharmacopœia?—Yes, the American Pharmacopœia is up to date, and is a much more complete book than our own; but as we are now engaged in making a new Pharmacopœia, I hope it will be a book of complete standards when it is made. I am sure that the public analysts will consider it a very great boon to have such a book put into their hands.

6431. Then, in the getting up of this Pharmacopœia, is a much more complete set of tests and standards being set up?—It is contemplated to make the book much more complete than the present one.

6432. You have told us what you propose to do about a warranty, and we come now to the case of a food product which is also an article in the Pharmacopœia. Take the case of brandy. You have a standard set up under a special Act on the subject of the strength of brandy, as you are aware?—Yes. There are some food substances which are also substances in the Pharmacopœia, and my notion is that when a food is used as a drug we want a little closer definition of it than we have in the present Act, because on each occasion when I see that a case has been tried there is a great deal of wrangling in the court as to whether it is a drug at all. For instance, in the case of brandy we have a standard in our Pharmacopœia of compound brandy mixture. Now, there would be a wrangle in court about that, immediately, as to whether it was a drug at all.

6433. As you have brandy in the Pharmacopœia, does the Pharmacopœia give any definite strength of brandy?—No, it says that it shall be made (as most brandy is not made now) from the residue of wine; but it does not give a standard of strength at all.

6434. It does not say how much over proof it must be?—No.

6435. So that, however strong brandy may be according to the Pharmacopœia, you do not know what amount of alcohol it contains?—No, it is quite a blank. The excise regulation would rule that somewhat.

6436. There is a special Act, as you are aware, that rules the dilution of spirits?—Yes, there is.

6437. You have mentioned beeswax; but have you any other case of articles of food, food products, in the Pharmacopœia?—Yes, we have bread and flour, and things of that kind. I merely mention those two as an example.

6438. Mustard you have in the Pharmacopœia?—Mustard we have.

6439. There again you have got a diversity of definition between pharmaceutical mustard and the mustard of commerce, have you not?—Yes; mustard to be the most perfect vesicant should be the pure mustard, and should be largely composed of black mustard, inasmuch as that contains a larger amount of the vesicating principle than white mustard.

6440. But

Sir *Charles Cameron*—continued.

6440. But you must allow each case to be regulated by its own merits, must you not?—I am afraid that is so; but I merely threw out that suggestion.

6441. But you at first threw out the suggestion that where there was anything mentioned in the "Pharmacopœia," the "Pharmacopœia" should be the standard. Evidently the "Pharmacopœia" standard is not a standard that could apply to the mustard of commerce, is it?—No; when a food comes into the "Pharmacopœia'" there is great difficulty.

6442. You think that there should be a court of appeal in connection with drugs?—I think that is a most desirable thing.

6443. We have had frictions that might not have existed at all if there had been a court of appeal. I should suggest that such a court of appeal be made up, first of all, of a nominee of the General Medical Council; such an one would be able to determine whether anything was deleterious to the public health. Then, if you please, a nominee of the Institute of Chemistry; there the public analyst would be represented, so that his side of the matter should be taken into consideration. Then a nominee of the Pharmaceutical Society of Great Britain, so that the compounding aspect and manipulating of drugs should be taken into consideration. And then there is the commerce of the matter; I think that the Drug and Chemical section of the London Chamber of Commerce might fairly claim to be the fourth representative. And then I think, perhaps, the fifth representative should be the authorities at Somerset House; I would not exclude them, because I think that they could be added with very great advantage. I think that such a council, so constituted, could not fail to be of immense advantage in giving valuable advice both before a prosecution or following an appeal, and before a final judgment. In the citric acid case, to which I referred just now, those numerous prosecutions would not have been instituted if such a committee had been in existence and the matter had been referred to such court of appeal, for it would have been considered a frivolous prosecution altogether.

6444. As honorary secretary of the Wholesale Druggists' Club, are you in a position to say that the trade generally approve of your suggestion?—Yes, they would give my suggestion their very hearty support; they are desirous for a committee of reference, and they think that all grievances would then be suitably ventilated and redressed.

6445. I notice you say that in that citric acid case the impurity was about 1 in 10,000?—Yes; perhaps a little less than one grain in a pound. That, of course, would vary in the different samples, but that would be about the average quantity present.

Mr. *Frye.*

6446. You said, I think, that you would like to see the new edition of the "British Pharmacopœia" made a statutory Act?—Yes, I think it should be made the standard.

6447. A statutory Act, I think you said?—Yes, a statutory Act; it is not a law by statute now.

Mr. *Frye*—continued.

6448. That might be very useful to the analysts, I presume; but would it not lead to complications in prosecutions of every kind?—I do not think so at all; one would have a definite standard, and it would be known that every one must work to that standard.

6449. The analysts might know what the standard was, but how would the tradesmen know?—There should, of course, be permission to deviate from the standard of the "Pharmacopœia" upon the prescription of a duly-qualified medical man. To that extent I would not make a hard-and-fast rule.

6450. Do you think that that would simplify matters, or would it not rather lead to complications?—I think it would simplify matters to have one standard only, and that standard to be the "British Pharmacopœia"; so that the "British Pharmacopœia" should be the law of the land.

6451. Then you recommend, I think, that there should be a council to deal with these matters?—Yes.

6452. Surely you would allow some other trades to come into that council besides those that you have named?—Certainly, in regard to food stuffs; but I think that laymen would not quite understand the technical points connected with medicine. There is, first of all, a medical man to explain whether the substance is deleterious, then an analytical chemist to correct the inaccuracies of the various analysts, then a pharmaceutical chemist, with his knowledge of compounding and distilling drugs, and I think there must be one representative of the commerce of drugs, as entering the Port of London. Those are the points that I want to cover.

Mr. *Kilbride.*

6453. You have told us that you have great confidence in the public analysts, and that they very efficiently discharge their functions?—Yes.

6454. Are you aware that we have had evidence from several witnesses before this Committee to the effect that a great many people are very dissatisfied, in a great many parts of England, with the public analysts, and consider them to be not at all up to the standard that they ought to attain?—Yes, I have heard it so said; but I am a chemist, and the public who come before you, or some of those who deal in spices, are not chemists. I, as a chemist, can judge of the analyses that chemists make; and having formed a judgment on the matter, I say that their work has been conducted with fairness and commendable accuracy, throughout the last 20 years. There have been mistakes, but the mistakes have been as few and far between as they could possibly have been, or would have been if any other set of men could have been found to do the work.

6455. Are you aware that on more than one occasion great divergence of opinion has been expressed by public analysts, even in giving evidence in public court?—Yes; I have heard a public analyst make one statement, and I have heard another analyst state the contrary, and turn his

Mr. *Kilbride*—continued.

his case inside out, and the bench quash the matter altogether.

6456. And because of that contrariety of opinion, which you have just expressed, you want the Committee to believe that the public should have great confidence in the public analysts?—We know that doctors do disagree and differ; but my experience as a chemist is that it is almost absolutely impossible to make chemists agree to, perhaps, the second or third place of decimals in analyses.

6457. Do you think that any gentleman ought to be appointed a public analyst who has not gone through a regular course of study, who has not passed a public examination, and who has not got a certificate or degree, just the same as any other professional man, a doctor, a solicitor, or a barrister has to do?—I think it is highly necessary that a public analyst should be a qualified man, and that his qualifications should be certified by the Institute of Chemistry, or some such institution, and that no person should be a public analyst unless he is scientifically qualified for the post.

6458. What are the necessary qualifications for a public analyst at the present time?—I think I might say none; perhaps the whim of the local authority rather than anything else.

6459. And because there are no qualifications for a public analyst, therefore the public are to have great confidence in the public analysts?—Well, I believe that the appointment by the local authority has to be confirmed in London; but I think, in some cases, men have been appointed who are not eminently fitted for the work. But that has been the exception rather than the rule.

6460. Taking the public analysts as a body, would it be true to say that the public have nothing at all like the same confidence in that body that they have in the gentlemen at Somerset House?—I should say that the public analysts, as a body, are equally well qualified, man for man, than the gentlemen at Somerset House.

6461. I am afraid there is some contradiction somewhere?—You asked me for my opinion, and I have given it you.

6462. You spoke of a warranty existing only for a month in the case of certain drugs which are of a decomposable nature. Supposing that a retailer kept those drugs in his possession for three months before he sold them to the public, no doubt the public at that time would not be getting as genuine an article as if he had sold them simply within one month of the time that they were manufactured or he received them?—That is so.

6463. Would you suggest any course of action that would be necessary for the retailer to take in that instance, so that the public would know that they were buying an article which was not up to the standard of strength?—A retailer, of course, in taking his stock of a decomposable drug, would take care, the same as a housekeeper would in buying her milk, not to overstock himself, and to keep it for only such a time as it could reasonably be expected to keep. In the case of spirit of nitre, or prussic acid, which

Mr. *Kilbride*—continued.

Sir Charles Cameron mentioned, although I have stated that one month is a fair time, I do not think that any serious decomposition would take place for two or three months so that its medical efficacy might be impaired, but decomposition does begin from the very moment that it is prepared, and it goes on; so that when the substance has been kept, possibly for six or twelve months, it has deteriorated in medicinal value.

6464. I think you told us that London was the drug market of the world?—Nearly so.

6465. But you think that 20 per cent. only of the drugs that are put on the London market are bought by Englishmen?—Possibly less than that amount.

6466. Consequently a good deal of tinctures and essences prepared exactly according to the "Pharmacopœia" are exported?—Tinctures and essences are not sold at public auctions; I was speaking more especially of public auction.

Mr. *Frye.*

6467. You were referring to the raw material?—Yes. The raw material.

Mr. *Kilbride.*

6468. Tinctures and essences prepared according to the "Pharmacopœia" are allowed to be exported?—Yes.

6469. I think they are allowed to be exported under certain conditions?—Yes, in bond. I am an exporter in bond of those preparations.

6470. Are they not allowed to be exported under what is known as a drawback?—That is so.

6471. Is it not the fact that those tinctures and essences which are exported are sometimes found not to be up to the standard?—I should say that where there is one that is found deficient in strength you will find a thousand that are accurate.

6472. Is it the fact that you are obliged, in exporting those articles, to make a declaration as to their strength?—Yes.

6473. Is it not the fact that they are sometimes found not to be up to the declaration?—I can only speak for my own firm.

6474. Could you give us a case in which it was found that they were not up to the standard of declaration. Has such a case ever occurred?—Yes, it has occurred with my own firm, and it has occurred with most firms.

6475. What was the result in those cases?—The result was that the authority had the explanation.

6476. Was there a prosecution?—Not at all.

6477. Was the buyer to whom you exported them, I will not say defrauded, because that is not the word to use, but in no way disadvantaged?—You are speaking, I think, of the Inland Revenue giving the drawback. It had not reached the consumer. The point of your question lies between me and the Excise. We have to make our declaration to the authorities of the laboratory at Somerset House. I pay, for instance, between 9,000*l.* and 10,000*l.* a year duty on alcohol for medicinal purposes. When I ship sal volatile I make a declaration that it contains so much alcohol, and the duty that I have paid is then given back to me within about a month of the time of shipment.

6478. Are

Mr. *Kilbride*—continued.

6478. Are these articles always tested at Somerset House?—They take samples from packages before they are sent away.

6479. In every case?—Not in every case. The order issued by the Inland Revenue specifies how many shall be taken. I was consulted again and again by the authorities, and the experiments upon which the whole of this exporting business was settled were made in my own firm's laboratory. It is only within the last three or four years that this improved state of things has come about. Formerly we had to take our tinctures from Germany, bring them into the Thames, and tranship them; but now we have a more advantageous state of things to encourage trade, and it is working excellently well.

Mr. *Kilbride*—continued.

6480. But would it be true to say that, in the case of tinctures and essences for export, they have been found not to be up to the standard of declaration?—As a general statement it would be untrue.

6481. I do not suggest for a moment that it would be a general statement, but would it be true to say that some cases of the kind have occurred?—Yes.

Mr. JOSEPH CLASSON PRESTON, called in; and Examined.

Sir *Charles Cameron.*

6482. YOU are a member of the firm of Messrs. Hodgkinson, Prestons, and King, Bishopsgate-street Without?—Yes.

6483. And you propose to tell us that drugs are not often adulterated, but that slight impurities, and often differences in strength, may exist, arising from the processes of manufacture, collection, storage, &c.?—That is my opinion. I do not think that as a rule there is any material systematic adulteration; but I do think that very often there are slight impurities, particularly with regard to chemicals. Those impurities, in most instances, are of such a small nature that they do not really affect the consumer; he practically gets what he wants. I consider that the drug trade of England, as a whole, is in a very fairly satisfactory condition.

6484. As a matter of fact, the prices charged for drugs, I suppose, and the profits made on drugs are so high that there is not the same temptation to adulteration that there is in other matters?—I wish I could say that the profits are large. I am speaking now of the wholesale trade. In the retail trade, of course, the profits are very large.

6485. It would be a very dangerous thing for a wholesale man to sell adulterated goods to a man who was capable of testing them?—Yes.

6486. You say that you think the inspectors often lay traps for traders?—Might I say that the reason I mention that is, that I consider the way in which the inspectors go about their work is hardly fair to the retailers. For instance, take the case of a very common article, citrate of magnesia; I do not know that a prosecution has ever taken place with regard to citrate of magnesia, but certainly, if it were taken, it could be upheld. And if an inspector went into a shop and asked for citrate of magnesia he would not get citrate of magnesia. No member of the public would expect to get citrate of magnesia; they would get an article made of carbonate of soda and tartaric acid granulated in a particular way, which is only known in the trade as citrate of magnesia. But technically there is no citrate of magnesia present. Mr. Umney has touched upon milk of sulphur, sweet spirits of nitre, sal volatile, and wax. Those are all things in which prosecutions could be enforced, but where, I believe, honestly the public are not defrauded. If a man goes into a shop and asks for an ounce of milk of sulphur, especially in the north country, he does not expect to get the pure article and does not want it. The most glaring case perhaps is the case of soda-water, I daresay it has been mentioned to you by somebody else. Soda-water is in the Pharmacopœia, but nobody expects to get it of that strength, and, except on a physician's prescription, the public do not want soda-water as a rule.

Sir *Charles Cameron*—continued.

6487. What they want is aërated water, which is known as soda-water?—Yes.

Mr. *Frye.*

6488. And soda-water, as described in the Pharmacopœia, would be nasty, would it not?—Yes; it is quite soapy.

6489. Seidlitz-powder would be nicer?—Yes. If a doctor ordered anyone to take soda-water, as he might order anyone to take potash-water, with whisky for a gouty man, he would expect to get a certain quantity of soda.

Mr. *Kilbride.*

6490. What is soda-water?—Soda-water in the Pharmacopœia is water containing a certain proportion of soda to the ounce, but the ordinary soda-water of commerce is simply aërated water.

6491. Do you mean to say that it contains no soda at all?—As a rule, it contains no soda at all. Some firms, of course, do put a small quantity of soda in, but many people do not. What the public want is aërated water. A small quantity of soda is quite sufficient to render the water unpalatable.

6492. Do you suggest that well-known manufacturers of soda-water, men whose names are a household word for soda-water, sell nothing but purely aërated water?—No, I do not suggest that. I mean to say that such firms as Schwepps, and so on, do put in a certain quantity of soda; but I do not believe that even Schwepps put in the full quantity that is required by the Pharmacopœia.

Sir *Charles Cameron.*

6493. Your contention is that the habit of asking for goods by their popular names and of prosecuting under the Pharmacopœia name constitutes an injustice?—Yes.

Sir *Charles Cameron*—continued.

6494. You think that invoices as between wholesale and retail traders should not be taken as a warranty after a certain length of time from the opening of the package?—I do; I quite agree with what Mr. Umney said upon that point, that the invoice ought not to be taken as a warranty after once the package has been opened, or after a certain length of time.

6495. Do you agree with Mr. Umney as to a Board of Reference to fix a standard, and in questions of analysis to decide whether a fair margin of deviation from such standard has been exceeded?—I do; I may mention that the Drug Club of London, of which both Mr. Umney and I are members, have passed a resolution to the effect that that is a desirable thing.

6496. And your *précis* contains the constitution of such a Board of Reference which, I think, is that which Mr. Umney gave?—Quite so.

6497. You think that in view of the highly technical nature of the drug trade, and in view of the present interpretation of the Act, that a minute impurity renders a trader liable to prosecution; it is advisable that drugs should be separated from foods, and placed under a subsection of their own?—I do; I think I may say that the firm whom I represent, and I believe the wholesale druggists of England, as a whole, are most anxious to enforce the Adulteration Act; but I consider that there is a considerable difference between what I may term adulteration and accidental impurity; and I do think it is hard that traders should be prosecuted for the presence of a minute trace of iron, for instance, in sulphate of magnesia, Epsom salts, or some other analogous compound of that kind, which does absolutely no harm to anybody.

6498. Can you mention any case where that has occurred?—No, there is no case where it has occurred, but it is just one of those cases that might occur.

6499. That is exactly what one would like to know, whether it is likely to occur; it might occur, of course?—I mean to say this: that if you are going into absolute chemical purity, we know perfectly well as manufacturing chemists and wholesale druggists that such a thing as chemical purity is, I will not say unattainable, but only attainable at very great and needless expense. I instance a case that I do not think ever did occur, but which has always appeared to me to be one of those cases which might occur.

Sir *Charles Cameron*—continued.

6500. Take a case which was said to have occurred, in which it was alleged there was great impurity in a most important article of medicine. Some years ago there was a most extraordinary demand for quinine, and it was said at that time that there was a great deal of adulteration of quinine with other sorts that could be foisted off as the genuine article. Is it within your knowledge, for instance, that there has been any extensive adulteration of quinine; has quinine ever been the subject of adulteration?—It has never come under my own notice, but I should think there is very little doubt that at various times quinine has been adulterated; but there is all the difference in the world between the price of quinine now and formerly. At the time that I came into the drug trade quinine was 20*s.* an ounce; to-day it is 1*s.* 0½*d.*

6501. Take the case of a drug of every-day use, cocaine. It was very dear at first, was it not?—Yes.

6502. Five shillings a grain, was it not?—It was very high in price.

6503. There would be a great temptation, would there not, to adulterate a drug like that?—Yes.

6504. Have there ever been any prosecutions, to your knowledge, in connection with cocaine?—Not to my knowledge; I never heard of one.

6505. Is there any machinery for looking after the purity of drugs, the price of which is such as to afford a temptation to adulteration?—Only the machinery of the Adulteration Acts.

6506. And that machinery directs itself towards prosecutions for slight impurity in the shape of contamination with lead, and so on, rather than to these more important matters?—Yes. Referring to the case of citric acid that Mr. Umney instanced, I was present at Woolwich when that case with regard to the presence of lead was investigated. I think that was a most unfair prosecution.

Mr. *Frye.*

6507. When you were referring to soda-water just now, you meant, did you not, that most manufacturers use a little soda?—Yes.

6508. But not the quantity prescribed in the "Pharmacopœia"?—No; a less quantity, a palatable quantity.

6509. And if they used the quantity that is prescribed in the "Pharmacopœia," the soda-water would be nasty?—Yes.

Tuesday, 28th May 1895.

MEMBERS PRESENT:

Mr. Colman.
Sir Walter Foster.
Mr. Frederick Frye.
Mr. Newdigate.
Mr. Whiteley.

SIR WALTER FOSTER IN THE CHAIR.

Mr. ROBERT HASELWOOD, called in; and Examined.

Chairman.

6510. YOU represent a large firm of mustard manufacturers?—Messrs. J. and J. Colman, of Norwich and London. Our London house is 108, Cannon-street, and I am the general manager at the factory at Norwich, the Carrow Works it is called.

6511. You are acquainted with the manufacture of mustard?—I am.

6512. And all the processes necessary thereto?—Yes.

6513. Will you give us a short description of those processes?—When the seed comes in from the farmers, the first thing to be done with it is to dry it, sometimes it comes in in a damp state, I may say almost invariably. The first thin to be done with it is to dry it, kiln dry it, and on the proper conduct of that process the flavour of the mustard flour very greatly depends. When the seed is dried in this way it is crushed, and the separation of the husks and the flour is effected by siftings. The flour of the two seeds is then mixed together in suitable proportions, and it is in the skilful blending of the two flours that the excellence of the article largely consists. That is the process of making pure or genuine mustard. I have samples here, if the Committee desire to see them, of brown mustard seed and white mustard seed. Those (*producing two bottles*) are the two kinds of seed.

6514. Then the product of these seeds is afterwards mixed in order to form a condiment which is called "condiment mustard"?—Yes.

6515. Why is this called condiment mustard?—It is usually called condiment mustard in order to distinguish it from the pure mustard. It has a certain addition of fine wheaten flour to the blended flour of mustard seed, and it has a slight admixture of turmeric in order to preserve uniformity of colour. Sometimes it is said (it has been said in evidence in cases before magistrates), that the customers, the consumers, might mix the flour with the mustard themselves, but that is wrong, it cannot be done by the consumer as chicory and coffee might be mixed, for instance. And further, it is to be borne in mind that the strength of mustard cannot be reduced or diluted by the addition of water, and therefore that is

Chairman—continued.

one of the reasons why wheaten flour is added to the flour of the mustard seed. In the lower qualities, some makers (as we do) use a slight proportion of chillies. It is important that, so far as the variations in the quality of the seed will permit, a certain standard of pungency, flavour, and colour, should be maintained to meet the requirements of the consumer, and the use of small quantities of wheaten flour and turmeric materially help the manufacturer to do that. It is obvious that if three ingredients have to be dealt with, that is to say, the flour of brown mustard seed, the flour of white mustard seed, and a little wheaten flour, the possibilities of adjusting the mustard to certain standards of flavour and colour and strength are increased.

6516. Then this brown mustard seed, the darker specimen, is from 15 to 50 per cent. dearer is it, than the white?—It is; it varies very considerably, of course, in price, in proportion to the quantity grown. We cannot tell at any time what proportion of brown mustard seed will be grown by the farmers, what quantity will be grown in proportion to the white mustard seed. When we go into the mustard seed market, we have to take what mustard seed is available, and we find that if there is an abundant supply of brown mustard seed the price goes down. If, on the other hand, it is scarce, then the price paid is proportionately high.

6517. So that, as a rule, this brown seed, which is the stronger seed of the two, is the dearer in price?—I have known it to be twice the value.

6518. You get more flour out of the white seed, do you not?—Considerably more flour out of the white seed. It is obvious that the smaller the seed the greater the proportion of husk to the flour which is contained in the seed.

6519. Do the two seeds differ much in their properties?—Yes, they differ a good deal in their properties. The brown seed is much the more pungent and bitter; the white seed is rather sweet to the taste; blended, they assist each other in forming a palatable condiment, separately they are not suitable for commercial purposes to any great extent, although there is a

Chairman—continued.

certain demand, a very small one indeed, for pure brown mustard in some districts.

6520. Why is it necessary to add wheaten flour to the mixture of these two seeds: could you not obtain the same end by mixing a larger proportion of the white seed and a smaller proportion of the brown?—No, that would destroy the distinctive flavour of the mustard. We always aim at getting as much of the brown seed into our mustard as we can, because we know that by so doing we maintain the highest standard of quality. And further, there is this to be borne in mind: that brown mustard seed contains the essential oil of mustard, whereas white mustard seed does not. And when it comes to the use of mustard for a rubefacient the power of the mustard depends upon the good proportion of brown mustard seed contained in it.

6521. Then you add the flour, not for the sake of increasing the profit on the article, but for the sake of making it more palatable?—It makes the mustard more palatable; and the wheaten flour acts as an absorbent of the fixed oil, which retards rancidity. If I may be allowed to take an illustration from baking powder, baking powder is made with an acid and an alkali; but in order to prevent the action of the acid and the alkali upon each other while they are stored, it is necessary to introduce into the mixture some rice flour, usually, which keeps the particles of the acid and the alkali from coming into contact. In like manner, though to a less degree, a small proportion of wheaten flour acts in the direction of keeping apart the particles of mustard flour, so that rancidity is not developed by their coming into such close contact.

6522. And this addition of wheaten flour is generally recognised as a legitimate method of making condiment mustard, is it?—I believe that prior to the passage of the Act of 1872 there was little, if any, pure mustard sold in the market; the public had been so accustomed to the use of condiment mustard that there was no inquiry for pure mustard, and it was known that almost any strength could be had in the condiment mustard, because practically as strong a mustard as can be required for table use contains a portion of wheaten flour. So far as the addition of wheaten flour is concerned, as touching the quality, it may be said that by the use of a small proportion of wheaten flour we can afford to use a larger quantity of the finest seeds in the mixed qualities, especially the brown; and it is on the presence of the latter in sufficient quantity that the excellence of the mustard depends.

6523. Have you anything further to say about the general recognition of these mixtures?—I might, perhaps, be allowed to read what has been stated in some of the Annual Reports of the Local Government Board. This is an extract from the Eleventh Annual Report (I will put a copy of this in): "The so-called adulteration of mustard with flour and turmeric continues to take place rather probably for the convenience than for the deception of people, who desire not merely mustard seed, but a preparation of mustard for table. Moreover, it seems to be admitted that pure mustard cannot without difficulty be kept good for any length of time." Then in the following year the Local Government Board's Annual Report says: "We are not sorry to observe that in one or two cases in which proceedings were taken in respect of the sale of ordinary table mustard the magistrates held that it was not essential that the article should consist exclusively of mustard seed, but that the customary process of manufacture, which blends with that seed a small amount of wheat flour, is permissible without exposing the vendor to penalty. As a matter of fact, such a mixture has been sold for many years under the name of mustard, and the wheat flour is added, not for cheapness, but because pure mustard flour has an unpleasantly bitter taste, and, moreover, is very liable to ferment and decompose if exposed to heat. Most people demanding mustard for table purposes would be disappointed unless prepared mustard were supplied to them, and it seems scarcely fair that the sale of this particular article of manufacture should expose its vendor to penalty for adulteration. The question is mainly one of custom and of nomenclature." In the Annual Report for 1886-87 we read: "The so-called adulteration of mustard continues to consist merely in the addition of a small quantity of wheat flour and turmeric. The turmeric is, no doubt, introduced to heighten the colour of the preparation, and the wheat flour is added, not so much for the sake of the small saving effected, as because it mitigates the bitterness, which is a characteristic of pure mustard seed, and, moreover, prevents the fermentation to which the unmixed article is liable." Then the Nineteenth Annual Report of the Local Government Board says: "Nearly 10 per cent. of the samples of mustard examined were reported against, almost invariably, because a small amount of wheat flour had been added. As we have observed in a former Report, such a mixture has been sold for many years under the name of mustard, and the wheat flour is added, not for cheapness, but because pure mustard flour is apt to be unpleasantly bitter, and, moreover, is liable to ferment and decompose if heated. Most people buying mustard for the table would prefer the usual preparation; and, as the question is one rather of nomenclature than of fraud, there is some justification for the occasional refusal of magistrates to impose a penalty when proceedings are taken in such circumstances."

6524. Then turmeric is an addition as well; what is turmeric?—Turmeric is an aromatic root grown in the East. It is largely used in curries, and sometimes in pickles. It is not injurious to health, nor does it add to the profit of the manufacturer. It is used only in extremely small quantities.

6525. Then what are chillies used for?—Chillies do not add to the profit of the manufacturer. They assist the flavour and improve the lower and cheaper grades of mustard, and are perfectly wholesome. I may add that chillies are not used in the higher qualities of our condiment mustard.

6526. Do they enable you to sell the lower qualities as higher qualities?—No, they do not.

6527. Then the Government make mustard, do they not?—They do. In the Navy Dockyard Expense Accounts a few years since items of

Chairman—continued.

of rice and chillies occur as being used by the Government in the manufacture of their mustard. This practice still continues in use by them, for we, a few weeks since, by the courtesy of the naval authorities, obtained a sample of mustard as now manufactured by the Government, and having had it analysed by one of the leading analysts, found it contained mustard, 10 per cent. of rice flour, 3 per cent. of black pepper, and a small proportion of chillies. The mixture, I may add, is called "mustard" in the Blue Book. At one time ginger was used by the Government. I have a copy of the analysis, if it is desired that it should be put in.

6528. Certainly, I think you had better put it in?—I might repeat what was said before a former Committee to this effect, that the Government commenced the manufacture of mustard for themselves because they alleged that they could not get pure mustard. The reason for that was that they advertised for "best mustard" and then they took the lowest tender, and gave very low prices indeed, prices at which pure mustard could not be supplied. After that had gone on for some little time they commenced to make mustard for themselves, and we presume that for a short time they made it pure; but they very soon began to mix it because, we presume, they found it, as the general public had found it, not so palatable as the mixture.

6529. Mustard is used also for medical purposes, is it not?—Yes, it is; but pure mustard is not necessarily the best for medical purposes. The best mixed mustard is stronger than many grades of genuine mustard are. It is largely a question of the quantity of the flour of brown seed contained in the mustard, and our mixed mustards are excellently adapted for medical purposes. Linseed meal is also mixed with the mustard in poultices, so that the absolute purity of mustard for a poultice is admittedly non-essential. This may be seen by a reference to Cooley's Cyclopædia, a supplement to the Pharmacopœia, which gives mustard and linseed in equal proportions for mustard poultices. In Squires' Companion to the British Pharmacopœia, 16th edition, 1894, an authoritative exponent, the same formula is given.

6530. Is there a sale for genuine mustard?—There is a considerable demand for genuine mustard in some districts, but it is mainly for the sale of loose mustard. In view of the action which has been taken by inspectors, retailers think it safer when they are selling loose mustard to supply the genuine article, and in that way the sale of genuine mustard has been somewhat forced up; but there is a very marked preference shown by the public for mixed mustard, and pure mustard really has been gradually going down year by year in demand, although we sell it at precisely the same price as condiment mustard.

6531. What is the difference between what you call mixed mustard and French mustard?—I am not familiar with French mustard, but I believe French mustard consists of mustard seed ground up with the husk and vinegar added, and some herbs and a variety of things.

6532. It is a more compound mixture even than yours?—Very much more. In reference to

Chairman—continued.

genuine mustard, I may be permitted to say perhaps that in a case that was heard at Wolverhampton Police Court, before the stipendiary magistrate, in 1880, some of the principal grocers in Birmingham gave evidence to the effect that they had commenced, when the Act of 1875 was passed, selling pure mustard. The Grocers' Association had held a meeting, and they had come to the determination to sell nothing but what was absolutely pure; consequently the grocers, as a body, returned to us the condiment mustard which they had in stock, and we exchanged it for pure mustard; but it was not very long before that came back, and we were asked to send the condiment mustard as before; their customers, the consumers, said: "We cannot eat this, and you must send us what we have been accustomed to."

6533. In your export trade do you use genuine mustard or mixed mustard?—We do a very considerable export trade, and it is nearly entirely of mixed mustard. I think I might say it is impossible to send genuine mustard across the tropics. We could not send genuine mustard to Australia; it would spoil on the voyage; the heat of the tropics would destroy the quality of the mustard; and unless there is a small admixture of wheaten flour it would be worthless when it arrived there. I may say that within the last day or two we have had some correspondence with regard to the sale of mustard in the State of Ohio, in America. According to the laws of that State, it is necessary to put on the outside of the tin a statement of the proportions of the ingredients, and that is not done with our mustard. In consequence a customer was fined, I think 50 dollars, and complaint was made to us, and our agent, through whom our trade with the State is done, wrote us on the question. We agreed that we would take all the mustard back and send them pure mustard, and then they would be absolutely safe according to the law of their State; but they wrote back (we got the letter only a day or two since) that they could not consent to that arrangement, because they knew perfectly well that the people would not eat pure mustard.

6534. Have you agreed to put the percentages on?—No, we have not; we have left them to deal with that question, and I believe what they intend to do is to have an analysis made by an authoritative person, by a State authority possibly, and then to put some notice on as to what the analyst finds, whether correct or incorrect; but that will be their act, and not ours.

6535. I suppose you declined to do that because it would be exposing the trade process?—It would be exposing trade secrets.

6536. What determines the quality of pure mustard generally?—If you use the very finest seed the cost of pure mustard is a trifle dearer. I have some samples here. I do not know whether honourable Members of the Committee would like to open the tins and taste the contents; but they are just samples taken from our stock. The cost of pure mustard is a trifle dearer if the very finest seed is used. We have two qualities of pure mustard which are slightly dearer than the best quality of our mixed

Chairman—continued.

mustard; but we have certain grades of pure mustard which are considerably cheaper than our best condiment mustard. For instance, the quality of the genuine mustard called "Fine" is sold at 10*d.* a pound.

6537. Is that pure?—That is pure. The best quality of condiment mustard is sold at 1*s.* 4*d.*; so that the pure article can be sold for 6*d.* a pound less than the mixed article. This is one of our price lists (*handing in the same*). That table on the first page will give you the prices. You see, we are very careful on that price list and on our invoices to distinguish between the two, the genuine mustard and the condiment mustard. The highest quality mustard that we sell in casks is 1*s.* 6*d.* a pound: that is all best brown seed. The highest quality of condiment mustard is 1*s.* 4*d.*

Mr. *Frye.*

6538. Is the brown seed dearer than the white seed?—Very considerably. I have sometimes known it 100 per cent. more.

Chairman.

6539. Then the quality of the pure mustard as well as the quality of the mixture is determined by the quantity of brown seed?—It is.

6540. You have, of course, varying qualities of brown and white seed mustard?—Yes, we have. I have shown you samples of the best quality of seed. These are samples of inferior qualities of seed, brown and white (*producing some bottles*).

6541. Then you could make of these inferior quality seeds pure mustard, which would be really inferior to your mixed mustard?—Very much inferior. And here, perhaps, I might be permitted to say that when we go into the market to buy mustard seed we have to buy the crop. The farmer sows so many acres with mustard seed, and the product is so many sacks. He would not sell to us just the cream of the seed, just the best of it, because he could do nothing with the other; he must throw it away.

6542. What do you do with the worst seed?—We crush it to get the oil out of it, and make it into a cake for manure.

6543. What do you do with the oil?—The oil we sell to oil merchants through a broker, and the oil is at the present time worth about 14*l.* a ton.

6544. Then some of the foreign seeds are of this inferior quality, are they not?—Yes. I have a number of samples (I do not know that it is necessary to produce them); some of them are very odd-looking. You see, some of them are extremely small (*producing some bottles*) and some of them are dirty-looking; they have a good many weeds in them. In fact, the process of mustard-seed growing is understood better in England than anywhere else. There (*producing the same*) is a sample of Syrian brown; you see, there is a lot of straw in that.

6545. Then out of these inferior qualities of seed you could put an article on the market which would be pure mustard, but it would be much inferior to your mixed mustard?—Very much inferior.

6546. And yet it would prevent a person selling it being reached under the Adulteration Act?—Certainly.

Chairman—continued.

6547. Then the real fact, I gather from this evidence of yours, is that the quality of the compound really depends upon the proportion of the brown seed in it?—That is the main element.

6548. Do the public understand that, do you think?—I do not think the public do understand it. I think there are a great many of the public who have no idea of the existence of such a seed as brown mustard seed. And we know, because we are very careful to keep well in view the products of our competitors, that there are makers who put the smallest possible proportion of brown seed into their mixtures, while we put in all we can.

6549. Then, in reality, you could manufacture and put upon the market a pure mustard, free from any admixture of flour or turmeric or chillies, and those other substances, at a cheaper rate than you can sell some of your best mixtures?—Certainly.

6550. And that would depend upon the fact that the proportion of best seed was less in that substance?—Yes. It is to be borne in mind, however, that the charges for manufacturing would be quite as great, and possibly a little greater, in the case of the very common seed, and all establishment charges, all charges for travellers, and for transit by rail or ship, all such charges as those would be the same for the common as for the higher quality; and therefore it all makes to the disadvantage of the lower qualities.

6551. Then your real position is this: that while at the present time you sell your specific "genuine" mustard of a good quality, or of the best quality, at 1*d.* a pound above the price of mixed mustard, you could sell the genuine mustard at 6*d.* a pound less than your mixed mustard?—That is so. But, if I may ask you to look at the price list again, you will see that with regard to the three qualities which are mainly in demand, called "D.S.F.," or double superfine, "S.F.," or superfine, and "fine," we offer those three, either pure or mixed, to the trade; they may have which they like, at precisely the same price. And I may show you at the same time the manner in which we invoice them, that you may see how careful we are that there shall be no deception in any way. Here is one of our mustard invoice forms (*handing in the same*). You will see that we not only put "warranted pure" to each line of actual pure mustard, but we put "condiment" to each line of mustard which is mixed, and then we put a notice at the bottom: "The condiments are admixtures of pure mustard with farina and choice condiments, and when sold otherwise than in our packages, the admixture must be so declared by 'a label distinctly and legibly written or printed.' *See* Act 38 and 39 Vict." "Our friends are requested in ordering to state whether the condiments or the pure mustards are required." We give the different kinds no preference in any way; it is entirely a matter of choice for the customer.

6552. Do you ever grind up the husks of the mustard to mix with the mustard?—We do not; but here is a sample of that (*producing a bottle*). I may

Chairman—continued.

I may say that it would be perfectly easy for us to mix in with the mustard the husks of the white mustard seed; and if we were to do that, we might add very much indeed to our profits. The fact is, that that husk is now worth about ½*d.* per lb., or to put it in another way, we can buy husks at 25*s.* a ton delivered at our works.

6553. Then if you mixed that with the mustard it would still be genuine mustard?—Yes, it would still be genuine mustard, because what is called the iodine test would not show the presence of any admixture.

6554. And that would be a means of increasing your profit to a much larger extent than your present system yields?—Yes; but instead of our doing that, we have consistently applied ourselves to producing the best quality of mustard, and one apparatus that we have applied ourselves to perfecting is that which takes the husks away. If you had before you samples from all the makers in the kingdom you would find that there were some who have not been so successful as ourselves. They may not wish to be, but we give them credit for wishing to be as successful as we are in getting the husk out; but some of the husk is left in, and there is no question that they profit by keeping it in.

6555. If the husk is mixed with mustard or left in, does it alter the taste or appearance of the mustard?—Not materially. There is a certain amount of pungency in it, not very much perhaps; but the colour is good, as you may see.

6556. Then, commonly speaking, genuine mustard and mustard that is mixed are known as mustard?—Yes, they are. I should like to say that we have had some singular preferences, or instances of preference, shown for our condiment mustard. A doctor of medicine, for instance, wrote to us not very long ago. He had removed into a new locality, where he had purchased our mustard, and he wrote to us and said that for 25 years he had eaten our mustard, and he was compelled to discontinue the use of it, and he could not understand why it should be so. We wrote him in reply that possibly he was not getting the same article as he had been accustomed to, and we sent him a sample of our best condiment mustard, and of the corresponding quality pure. He wrote to us, and perhaps I may be permitted to read his letter. "I have to thank you for the long letter and also for the two tins of mustard. The condiment mustard is a great treat, as it keeps so well after being mixed for use. The tin of pure seems less musty than the four samples I got; still, I much prefer the former. I am told grocers do not stock it, as the inspector would not pass it. How far this is true I know not. In future I shall always use the condiment, which I daresay you would forward to my grocer. Again thanking you, and assuring you it was in no hostile spirit I wrote you, I remain, yours faithfully, ****. It seems that the very fact of the mustard being so pure and high-class tends to make it less palatable than when it is mixed, and more liable to go musty after 12 hours. The condiment sample is a great treat. Thanks for it." Then we had letters written rather in a different tone from another gentleman who was very indignant with us for having called our double superfine mustard the quality we supplied to the table of Her Majesty the Queen, and he said this: "Gentlemen, I am much perplexed in mind to know why on your pamphlet you make it appear that your double superfine mustard is the same as supplied to the royal table, when this quality on your label says, 'This preparation is an admixture of pure mustard with farina and choice condiments.' I may tell you that I cannot procure your 'genuine' quality here, and am told the 'double superfine' is best, which I am quite aware is not so. Anyhow, I suggest you discontinue the misleading pamphlet, or I shall ventilate the matter through the press at an early date. I am quite sure Royalty would not deign to use an adulterated quality of mustard. I will write Sir Henry Ponsonby on the matter and enclose both the pamphlet and the label from a double superfine canister, and ask if this is the quality as used on the royal table. Awaiting your explanation." We wrote him in explanation, and we sent, as in the other case, samples, and asked him to judge, in reply to which he wrote: "I now have pleasure in answering your letter, and must confess I am perfectly satisfied with your explanation. Having used nothing but your 'genuine' quality of mustard all my life, I naturally thought the D.S.F. was a much inferior article, but now I am convinced of the necessity to make a quality less hot to the palate. Thanking you much for the samples you kindly sent me, and hoping you will excuse my having written you on the matter, believe me, yours faithfully." Those are not isolated instances.

Chairman—continued.

6557. Then you do not think there is any deception practised on the public by this method of mixing?—No, the public have always been accustomed to look for the manufactured article; and I may say that our house has acquired its pre-eminence in the trade by a careful study of the public taste and the public requirements, and after a long series of years they have established themselves on that reputation, and it seems rather cruel to us that we should be upset in this way by the allegation that we are not acting in good faith.

6558. Does the Sale of Food and Drugs Act in any way interfere with your selling these admixtures?—It does not when the matter is fairly treated; but we are not always fairly treated. The inspectors will sometimes do this: they will go into a shop and will ask, say, for three ounces of mustard. They choose a time, perhaps, when the master is away, for it is almost invariably a very small shop that they go to. They ask for three ounces of loose mustard. Whoever is in the shop says, "I have not got any loose mustard; I have got a quarter of a pound in a tin." "Oh, well, thank you, give me three ounces of that." Well, the tin is opened and three ounces are weighed out, and the inspector goes off with the loose mustard, and all the while he leaves the tin, which has the legal notice upon it, on the counter. Then he is in a position to make oath that he has not seen the notice. He knows, possibly, that it was there, but he did not look for it,

Chairman—continued.

it, and we have had some strange cases of that sort. Just very lately we had a case where a police constable, who acted in the matter, admitted that he had never read the Act; that he did not know there were such things as admixtures at all; that he did not know there were notices affixed to admixtures or anything of the kind. It cost us a large sum of money to defend our customer; but, of course, we had to do it.

6559. Do the analyses that are sent out from Somerset House seem to you generally correct?—The analyses sent out by Somerset House have always been perfectly satisfactory to us. We have had one or two rather strange cases. We have had, for instance, a professor of chemistry in a university certifying that our absolutely pure mustard contained 5 per cent. of admixture. We knew it to be perfectly pure, and we asked that the sample might be sent to Somerset House, and it was; and, as the result, Somerset House declared it to be what we knew it to be, perfectly pure; and the case was dismissed. But in another case the analyst actually certified 30 per cent. of potato starch. Well, we have not such a thing as potato starch, and never have it on our premises for any purpose whatever, and he must have been either careless or not well up to his work to have certified potato starch in any quantity; but he certified 30 per cent. It was sent to Somerset House, and Somerset House sent us a certificate that there was, if my memory serves me, something like 8 or 9 per cent. of wheaten flour admixed. We object to the use of the word starch because it leads to the impression that it is washing starch; whereas we use wheaten flour of the very highest quality, prepared and dried with the utmost care, and mixed so thoroughly with the mustard as to preserve an even texture throughout the whole package.

6560. Do you think that the Act sufficiently recognises, as it is framed, the use of these admixtures?—Well, we are content with the Act as it stands if these extraordinary freaks of the inspectors were restrained to some extent, and if there were any proper standard qualification for analysts; but we cannot resist the conclusion that many men are appointed analysts who are not qualified for the post. They have not had a chemical education; they may have had a medical examination, and they may have been able to analyse something; but mustard is a very difficult matter to deal with, and it is not every analyst who knows how to deal with it.

6561. Then the Act, as I understand it, does occasionally affect you seriously when your mustard, which is sent out in tins, is sold as loose mustard?—It does.

6562. Do you defend your customers in those cases?—We defend our customers only when they comply (as we comply) with the law. We send out a plain notice on our tins: "Take Notice. This preparation is sold as an admixture of pure mustard with farina and choice condiments." If that is sold without breaking bulk, and if one of our customers sells to the consumer that article, and is summoned for it, we go to any expense in order to defend

Chairman—continued.

our label. We say that we have complied with the law, and the customer has complied with the law, and it is our business to see him safely through.

Mr. *Frye.*

6563. Many of your customers have been summoned for selling mustard in the tins, have they not?—A few have; there were two rather ridiculous cases lately. The mustard was sold in our tins with the label, and, as I have said, the police constable said he had never read the Act; he did not know that there was such a thing as an admixture, and he did not know that the notice covered the article; and, further than that, he was not the only man who behaved strangely in the matter, for in the case of our own mustard the analyst certified that there was fully double the amount of admixture which really existed; and in the case of another manufacturer, a customer of whose was summoned at the same time, the allegation was, that there was three times the amount of admixture than was actually the case.

Chairman.

6564. Then you might also get into difficulty, might you not, through some of this tin mustard being mixed accidentally with loose mustard?—We had a case only within the last week where a wholesale house in London sent a cask of our mustard some time ago to a customer in the country. The inspector called and took a sample of loose mustard, and the authorities acted in a very sensible manner, if I may be permitted to say so. They found an admixture, and rather a large admixture, of flour and some other things, and sent notice to the grocer: "You must not sell this; this is not according to the law, and if you sell any more of it, and another sample is taken, we shall prosecute you." Well, the matter was referred to us, because it was alleged that we had sold the mustard. We asked for a sample, and a sample was sent to us; we submitted it to our experts and they found a most extraordinary state of things, 5 per cent. in one part of the sample and 25 per cent. in another part of admixture. And we knew by the texture of the article that it was not our make at all, and we said as much. We got an acknowledgment yesterday, only yesterday, that what we had said was right, and that when the thing came to be carefully looked into, what was said to be our mustard was really an admixture of two or three other kinds, and some very common indeed.

6565. You have suffered through these mistakes of analysts often, and do you think in such cases you ought to have costs allowed you?—Certainly we ought to have them; but we have spent hundreds of pounds in defending our customers, and, so far as I know, we have given up asking for costs, because we know we shall not get them; and if the magistrate or the bench of magistrates does give costs, it perhaps gives a guinea where we may have spent 25*l.* or 30*l.* about the case.

6566. Do you think that the police should send a copy of the analyst's certificate to the person who is summoned?—Yes; we have a difficulty there sometimes, that is to say, that until

Chairman—continued.

until the day of hearing the amount of the alleged admixture is not disclosed, and we do not quite know sometimes what course to take; of course we do usually get the sample which is left with the vendor, but sometimes the vendor is ignorant of the law, and says when the inspector offers to leave the sample, "I do not want it, I have got plenty more of the same sort." Now, nothing but the inspector's sealed sample is of any use to submit to Somerset House, or to any other analyst, and the difficulty arises in that way. Whereas if a copy of the analyst's certificate was sent to the vendor, who is alleged to have sold the improper article, we should have the facts of the case before us at once, and we should know how to deal with them. It is only fair and just to us.

6567. Taking, as you do in your bill forms, every means that you can to protect your customers who sell your article, do you think there ought to be equal facility given you on the other side to defend yourselves?—Exactly.

6568. Because your invoice is practically a warranty?—Yes, exactly. And we have all the way along from the very first set ourselves to act in perfect good faith. We have complied with the law in every particular. We have never tried to shield ourselves in any way, by any device or subterfuge. Our course has been plain and clear, and we have acted according to the law.

6569. Now I should just like to ask you one final question: you yourself, like the rest of us, I suppose, occasionally use mustard?—Yes.

6570. Now what mustard, will you tell us, do you use?—I eat this admixture; I could not eat pure mustard. In the first place it is not so pleasant, and in the next place my throat is a little sensitive, and to eat pure mustard would mean no inconsiderable amount of sneezing and watering at the eyes. And further, I might tell you this; that on the principle of not muzzling the ox that treadeth out the corn, all our work-people have mustard supplied to them for household use gratis, and I do not believe that there is a man of them that would take pure mustard.

6571. They all take the mixture?—Yes, they all take the mixture, and the members of our firm at their own tables invariably use the admixture. And perhaps it is not well to give too much prominence to it, but there remains the fact that the admixture is supplied to Her Majesty the Queen and His Royal Highness the Prince of Wales.

6572. And the sale of this admixture vastly exceeds the sale of pure mustard?—Yes, greatly exceeds the sale of pure mustard.

6573. I think you told us before that after the Adulteration Act came into force the sale of pure mustard increased?—Yes.

6574. And there was very little sold before that?—Yes, very little.

6575. It was nearly all admixture sold before that?—Yes, and since then, since the alarm that was created in the first instance in the minds of grocers by the passage of the Act, the percentage of pure mustard has been gradually going down. We know as certainly as possible that we shall sell less pure mustard in proportion to the condi-

Chairman—continued.

ment mustard this year than we did last, and that we shall sell less the year after; it goes down in regular gradation.

Mr. *Colman.*

6576. There are one or two points that I want to bring out. You have not shown the Committee, I think, the labels which are sent out with the casks of mustard?—When we send mustard out for sale loose in casks we send these packets of labels (*producing a packet*). They are a little awkward to open, I am afraid, because they are done up in grease-proof paper. Those are sent out that the retailers may sell the mustard with the label that is required by law, and those are enclosed in the package.

6577. The barrel?—Yes.

Chairman.

6578. The notice reads as follows, I think: "Take notice! Under the provisions of the Sale of Food and Drugs Act, 38 and 39 Vict., chapter 63, this preparation is sold as an admixture of pure mustard with farina and choice condiments"?—I may say that that wording was settled in consultation with the late Dr. Letheby, who was Chief Medical Officer of the City of London.

Mr. *Frye.*

6579. I suppose the sale of mustard in these casks is gradually diminishing; it is nearly all sold in the tins, is it not?—Yes; I should think three-quarters of the mustard that we sell now is sold in the manufacturers' packages, and it is a very great point with us, at least it should be a very great point, that this label, this package, should reach the analyst. Now, if an inspector by some disingenuous method should induce the customer to open a tin and sell loose what was protected by the label, we think that somehow there should be some provision by which that label should reach the analyst, because the analyst would stop further proceedings; he would say, "Well, this mustard is not pure, but the label sufficiently covers it."

6580. But you sell pure mustard, the genuine mustard, in the barrels as well as in the tins?—Yes.

Mr. *Colman.*

6581. I just want to get one other point quite clearly. The Government admixture of either rice or ginger or pepper has been going on, according to the returns, for something over 30 years now and published every year, has it not?—Yes, I have here the analysis of a sample recently made.

6582. I only want to put on the Notes the fact that the Government for more than 30 years have been making for their use mixed mustard, and do not make any genuine mustard at all?—No, the Victoria Yard sample has in it 37 per cent. of brown mustard flour, it has 50 per cent. of white mustard flour, a preponderating quantity; it has 10 per cent. rice flour and 3 per cent. black pepper, with a small quantity of chillies.

Mr. *Newdigate.*

6583. You said, I think, that the public, you

Mr. *Newdigate*—continued.

are quite sure, would not approve of pure mustard to buy?—The proof of the pudding is in the eating. It is left entirely to the public to say what they prefer; we make no difference whatever in the charge.

6584. You practically have got the monopoly of the mustard trade in this country, have you not?—Oh, dear, no. There are perhaps 10 or a dozen firms besides our own; Messrs. Keen & Co. are very large manufacturers, they are our principal competitors.

6585. I only asked the question because there was an idea that Keen and yourselves had joined together?—No, certainly not; there is not the remotest connection between us.

Mr. *Newdigate*—continued.

6586. So far as you know in all the other firms mustard is freely mixed with flour?—Yes, with some firms it is, that is to say, there are some firms who use a larger proportion; you mentioned Messrs. Keen's name, I do not say that they do; but there are firms of mustard makers in this country using a larger percentage of admixture than we use, and there are some doing what we never do, that is to say, when they sell what they call pure mustard they heighten the colour by the addition of turmeric. When we label our mustard "pure mustard" it is absolutely nothing but the flour of the mustard seed, with no turmeric to heighten the colour, or anything added in any way to affect the flavour.

Sir WILLIAM PINK, called in; and Examined.

Chairman.

6587. I THINK you are a Justice of the Peace for Portsmouth?—Yes.

6588. And you are a Knight of the Legion of Honour?—Yes.

6589. And you have had 50 years or so of large experience in connection with the grocery and provision trade?—That is so.

6590. Have you held any offices in connection with those trades?—I was really the founder of the Portsmouth Association. I was president of that association for 21 years. I was also president of the Federation of Grocers for one year, and I have been connected with it since its formation.

6591. And you have been taking an active part in the local government of Portsmouth, as an alderman of the corporation?—Yes; I am also chairman of the Sanitary Committee of Portsmouth.

Mr. *Frye.*

6592. And you have been mayor?—Five times.

Chairman.

6593. When you were president of the federation, I think you came to the Local Government Board, did you not?—Yes, I did; I came with a deputation, and we brought a statement with us. I should like to hand it in if you please, and also I will hand in a Bill of Sir Charles Cameron's which really embodies a great deal we wish to have done (*handing in the same*). There are also here, I should like to say, two delivery notes of a firm in the City which will show bye and bye exactly what I mean with regard to the delivery of goods without the invoice or a warranty; and may I be allowed at the same time to hand in here two invoices of foreign butter, and also two invoices from the City, because they show very much the system which we have in the delivery of Normandy butter there (*handing in the same*). You will find it is all warranted pure butter. In the other case where the delivery notes are given no statement is made; the papers are marked "Margarine," both of them, and not "Pure butter," although pure butter may be delivered. As I understand, no invoice is delivered, but a statement of the amount of the butter is delivered when the money is called for.

Chairman—continued.

6594. Do you wish to direct our attention especially to certain statements which you put before the Local Government Board on the occasion of the deputation?—We hold that it is a very important matter for the retail trade that a warranty should be defined by Act of Parliament; I have seen just lately that the invoice has been held to be a warranty; but I do not think it is quite sufficiently clear to make the matter safe for the whole trade. The Sale of Food and Drugs Act should be amended in the 25th section by the deletion of the word "written." You see now it is a question of written guarantee or written warranty, besides the invoice. We hold that any invoice of any goods, no matter whether it is packed goods or goods delivered in bulk, should be the warranty from the seller to the retailer, and should cover any responsibility of the retailer from risk.

6595. Then you want, in fact, the invoice that is sent by the wholesale man to the retailer to be practically the warranty?—Yes.

6596. And to hold that retailer free from the consequences of selling those goods?—Exactly. You will find from one invoice I put in with regard to the selling of sugars, for instance, that those sugars are sold in accordance with the conditions, I think it is, of the Grocers' Association, or some words to that effect. That is held, was held at all events between the wholesale and retail dealers, as a binding condition, and we say that it ought to be a binding condition between the wholesale dealer and the retail buyer, that the invoice itself should be a warranty of the goods.

6597. The invoice that you refer to contains "sugars are sold upon the terms contained in the printed conditions of the London Wholesale Grocery Dealers' Association"?—Yes.

6598. And those words would take the responsibility of selling that sugar from the retailer?—Yes; they would hold that if the conditions they show were complied with according to that rule as laid down the wholesale dealer would be protected.

6599. Would the retailer be protected?—If he

Chairman—continued.

he bought outside of that it would be a question of law; I should hardly think he would be.

6600. You think that if the Sale of Food and Drugs Act was amended so that you had this warranty given in the invoice, that would conduce to the general well-being of the retailers?—That would be a protection to a great extent to retailers, and as I am inclined to think, it would have an excellent effect on the wholesale dealers as well.

6601. The wholesale dealer would be bound to provide a purer article?—Yes.

6602. For his own sake?—Yes.

6603. In such a case would you have the wholesale dealer proceeded against?—The difficulty seems to be the method of procedure against the wholesale dealer. You see, in the first case, the retailer is the first person to suffer, and then he not only suffers in pocket but in reputation as well; but then he has his remedy against the wholesale house, because many wholesale dealers are not like Messrs. Colman; they do not go to the retailer and say, "We will defend you," at once; they let the retailer take his chance. We would like to see the retailer protected by the invoice as the warranty, and if a retailer bought without that protection it would be his own fault.

6604. Would you in that case transfer the proceedings from the retailer to the wholesale man?—Yes.

6605. So that he would become the defendant?—Yes.

6606. If the retailer could produce his invoice and prove that the article sold was the article invoiced to him he would cease to be the defendant, and the man who supplied the article to him would be the defendant?—Yes, I would have it so.

6607. Would you have inspection of these wholesale manufactories?—I would to a certain extent; I would not give the inspector power to enter at any time, but I think that where there is any idea of adulteration, or of goods being on the premises but not to be sold, they should apply for a warrant to the authorities and enter the premises by warrant and examine them. I am afraid if there was power given to enter at any time wholesale goods would be very much injured by the inspector going in and demanding to open any package.

6608. Do you think the interference would be vexatious and unnecessary?—I believe it would be almost too vexatious to be good.

6609. But you think, on the other hand, that there ought to be a means of entry on well-established reasons?—I think so; if there is sufficient reason then a warrant should be applied for, and an examination should take place, and prosecution, of course, should follow, if necessary.

6610. Then I think, as regards margarine delivery notes, you have something to say?—With regard to margarine, I should like any action that was taken by the inspector to be taken under the Margarine Act. At the present time it is rather vexatious that proceedings can be taken under the two Acts, the Sale of Food and Drugs Act and the Margarine Act, and we should very much prefer to have any proceedings taken under the Margarine Act.

Chairman—continued.

6611. You think the Margarine Act, if used, would be sufficient?—Yes, we think so. We recognise and believe that margarine sold as margarine itself is a useful article of food, and so far as I know I do not think it interferes very much with the price of butter.

Mr. *Frye.*

6612. And the Margarine Act was passed for the very purpose of protecting the public against frauds as regards margarine, was it not?—Yes.

6613. And it was the intention of Parliament that all prosecutions for the fraudulent sale of margarine should be taken under that Act?—Certainly; and when they are taken under the Sale of Food and Drugs Act I think it becomes difficult for many people to know what to do to defend themselves.

Chairman.

6614. You say that butter is sent out by some large wholesale firms with delivery notes which have the word "margarine" upon them?—Yes; that, I suppose, is to protect the firm sending it out. I can only account for it in that way, and there is no invoice sent with it. A few days afterwards a statement is sent in with the amount of the account and no invoice to cover the difficulty, or, at all events, to make it a warranty.

6615. But, then, if they print "margarine," as, for instance, in the case of the firm here (Messrs. Lovell and Christmas), their firm in sending out butter, you say, sends out a document like this with "margarine" printed in red letters across the top?—Yes; they send out, so far as I know, pure butter, and they send out a delivery note with "margarine" printed on it.

6616. Is that to protect themselves against any subsequent fraud on the part of the retailer?—No doubt it is; but, unfortunately, it does not protect the retailer.

6617. But if the retailer puts margarine with their butter afterwards he does not want to be protected, and he ought not to be protected, ought he?—I think the public would not care about buying it if he did.

6618. Does not this procedure on the part of a large house rather suggest to your mind that they are careful to protect themselves against frauds on the part of retailers?—I think it is a plan to protect themselves, but I do not think it is any safeguard whatever to the dealer. In fact, I know that some of the dealers who actually have dealings with them object, and will not have a delivery of goods with that "margarine" on it.

6619. But there can be no other object than protecting themselves?—There can be no other object than protecting themselves, but it is certainly not a protection to their customers. I suppose, or rather believe, it was for the purpose of protecting themselves, because there is no doubt there is some considerable quantity of continental butter sent here now with a certain proportion of margarine in it. I do not say how much. It is also stated that it is impossible to

Chairman—continued.

tell how much margarine there is in butter up to 10 or 12 per cent.

6620. This label, of course, would protect them, at all events?—Yes.

6621. There is a good deal of difficulty, is there not, in proving the warranty?—I do not think there would be that difficulty at all, if it was stated that the law allowed the invoice to be a warranty. If a firm sent out five firkins of butter, or half a ton of sugar, or whatever it might be, if they called it five firkins of "butter," for instance, it would be five firkins of pure butter; but if they only sent out five firkins of "B.P.," or any letters, I take it that it would not. I see the difficulty, because the retailer would have no protection.

6622. But in sending an article day by day to a retailer, would you require a warranty to be sent each day?—The invoice each day should be the warranty.

6623. For instance, if you were supplying milk to a man day by day for six months, you could not have any form for that, could you?—We have had that difficulty, and I think I even saw the other day that where a contract was made for six months it was held not to be a warranty; but I think that could be overcome. If a contract was made for six months, for instance, that pure milk should be sold, then I think that would be a warranty. It should be, at all events.

6624. And you think there would be no great difficulty in arriving at some method of that sort?—I think not.

6625. Do you think that wholesale dealers ought to have their articles sampled from time to time?—Yes, I think so, certainly.

6626. That there should not be a general day by day inspection at the will of the inspector, but that from time to time samples might be taken?—Yes; I think at ports of entry more particularly I would enforce it. Things are better now than they used to be some years ago; but certainly at ports of entry inspection should be made. We had an idea that the Government should have a certain number of moving inspectors to send to different places; but I think that would be expensive and difficult.

6627. Do you think that at every port of entry the Customs or some such authority ought to examine all articles imported?—No, not all, a portion; and if they had any doubt as to the quality, they should examine those articles.

6628. And that system once being instituted and known would be a great check to the adulteration of goods, you think?—We found it so, certainly, in respect to tea. The tea imported of late years has been very much purer than it was 25 years ago.

6629. And you think that the experience that you have gained about tea justifies the applying of similar methods to other articles of food?—Yes, I think so.

6630. And that it would be very valuable as a protection to the public?—I am sure it would.

6631. In your long experience in the grocery and provision trade, what articles have you found to subject the trade most commonly to prosecution?—The difficulty just lately has been more particularly with vinegar. It is a very singular thing that thousands of small retailers do not know anything at all about whether vinegar is pure malt vinegar or pyroligneous acid, or what it is; they buy it as vinegar and sell it as vinegar. I think in that case it would be well for the manufacturers to be obliged to mark the cask "pure vinegar," or "pure malt vinegar."

Chairman—continued.

6632. You think these small traders cannot be expected to know all these different details of chemical difference, and that they ought to be protected by a statement made by the persons who sell the goods?—Yes, by invoice; and also I think the cask should be marked "pure malt vinegar" or "malt vinegar," or whatever it may contain. But we used to have much greater difficulty than we have now in the article of black pepper; and really no one knew of it. I, myself, for example, should never have imagined for a single moment that olive stones would be used for adulterating pepper; but that was done to a considerable extent without the knowledge of the retailers or of anyone, for some years, in fact.

Mr. *Frye.*

6633. In fact the retailers could not know it?—No. In the good old times, when I first began my education as a grocer, we used to have much more simple adulteration. White pepper was adulterated to a certain extent with ground rice, and mustard husks were largely used as an adulterant of black pepper, all ground together.

Chairman.

6634. Have you had any experience in the adulteration of coffee?—I have never known coffee adulterated to any extent, or any mixture except with chicory; and I look upon the admixture of chicory with coffee as a very important trade for the coffee trade itself. Some years ago there was an Act passed that no admixture should take place, that the coffee should be sold pure as it was, and the grocer could sell chicory. It is a well-known fact that coffee is a very volatile substance, and that chicory is very absorbent in its properties; and when it was sold separately, in separate papers, the public had to buy their chicory, which had been previously ground for some time, and the coffee they bought ground as well. Then the chicory usually had absorbed as much moisture as it could, and the good of the coffee had really been lost, and when the mixture was made it was flat, unpalatable stuff. We then had power to mix the chicory with the coffee, and we had the chicory nibs (the chicory nib is really the roasted chicory after it has been kiln-dried, in a very crisp form), and that ground with fresh coffee makes a very excellent drink. And my own firm have been enabled to keep up our coffee trade with a mixture in that way throughout the whole of our existence; I think we have done rather more; but I know that where the articles have been sold separately the trade has gone down very much, and I am sure that for the coffee planters themselves (they are getting a high price now) the longer they are enabled to have the mixture of coffee and chicory the better it will be for their trade.

Chairman—continued.

6635. Is there any other article that you have anything to say about?—I think that is pretty nearly all I wish to say with regard to that. We have done a large wholesale trade for a considerable time, in fact all the time that I have been in business, and I have always given a written warranty; that is to say, I have always made the customers understand that the invoice would be the warranty with all their goods. We have never had the least difficulty, and I may say, for the credit of the Association of Portsmouth, that I do not think we have had a single prosecution for any adulteration for the last seven or eight years.

Mr. *Frye.*

6636. I think you are in the wholesale trade, also very largely connected with the retail trade?—Yes.

6637. So that you know both sides of this question?—Yes.

6638. You have studied the question, as I know, well, and are able to give us a great deal of advice on the matter. During the last few months we have had a good deal of evidence as regards margarine. Do you think that, for the third offence, the offender should be imprisoned for selling margarine as butter?—I think after one or two convictions, certainly. I think the law should be carried out strictly, and I do not see any reason, if it is brought home to the party selling, why the same course should not be taken as is usual with justices after one or two convictions.

6639. Would not that be very difficult?—The difficulty, of course, would be with regard to the manufacturer of margarine, but I do not think it is very difficult when there is an excess of margarine to bring it home to the seller.

6640. But there is no other case where imprisonment is imposed for an offence in the sale of any article of food, is there?—I understand that they cut their ears off in China, which would be rather harsh.

6641. But you, of course, as a retail merchant know that there is no adulteration really done by the retail traders in this country?—I do not believe there is any whatever. I have never had any case brought to my knowledge of any retailer, particularly a small retailer, ever adulterating any goods.

6642. They would rather suffer from adulteration, and in many cases they have no remedy from the wholesale house; is not that so?—That is so; and that is what they want, they want a remedy from the wholesale house and a warranty in some shape or form to protect them.

6643. For instance, they sell chicory in coffee, and flour in mustard, and they do not sell it as many of the larger grocers do in tins, where it is properly labelled, but in a piece of paper, upon which, from the negligence perhaps of a boy or girl who is serving, they do not put on the label?—No, that is a little carelessness, you know, because we have had labels printed for the paper parcels, adhesive labels, that they may stick on; it is a question of attention.

6644. You spoke about the difficulty that traders have with regard to malt vinegar, but that was merely a name; all vinegar was sold as

Mr. *Frye*—continued.

malt vinegar, was it not?—No, I think not; at all events, all vinegar is really not malt vinegar; diluted acetic acid and vinegar from sugar is largely used in making vinegar.

6645. But that is known in the trade as malt vinegar, is it not?—In the trade the usual name is malt vinegar.

6646. Just the same as in Ireland whisky is called malt whisky?—Yes.

6647. But it may be made of Indian corn, or oats, or many other things?—Yes, potatoes.

6648. There have been also a good many prosecutions for colouring vegetables, have there not?—I am inclined to think that that has been carried a little too far. So far as I know, I have never known a case where, in colouring peas or any other vegetable, colouring matter has been used that has been injurious to health. I can remember very well that some time ago there was a law that no colouring should be used for any article of food or sauce, and Lazenby's people, and Crosse and Blackwell, and I think others as well, made essence of anchovy without any colouring matter whatever. It resembled soapy water more than anything else, and the public would not take it, and they had to resort to colouring it a little with sal-ammoniac.

6649. How do you suggest that that should be altered in any new Act?—It has been altered with regard to colouring of anchovies. Anchovy sauce is now coloured and permitted by law to be coloured.

6650. About preserved peas, what do you say?—Peas should not be coloured, because the colouring partakes of copper, and there is a difficulty, because many people are frightened. I have never known any case, however, where any ill results have happened.

Mr. *Colman.*

6651. You used the word "written" warranty; do I rightly understand you to mean that as anything distinct from printed?—What we mean to say is that the law requires a written warranty, and we say that a printed invoice, the conditions on the printed invoice, shall be a warranty.

6652. Then you mean written or printed?—Written or printed, certainly.

6653. Would there be any difficulty in the case of goods in bulk of tracing in the warehouse what had come under a particular invoice?—There must be. I suppose the best plan would be to take evidence on oath, as we have to do in many other cases. For instance, when a hogshead of sugar was once opened, you could not tell whether the sugar was taken from it or from another, except by evidence on oath.

6654. Would there not be a difficulty in the case of the retailer if he had sold it, and there had been simply a verbal communication between him and his customer?—I did not say a verbal communication; I said a written invoice.

6655-6. You may have an invoice as between the wholesale dealer and the shopkeeper, but as between the shopkeeper and his customer would you not get something in the nature of a conflict of verbal evidence as to what the shopkeeper had said?—I do not think you quite understand what we meant, namely, the invoice of the goods,

Mr. *Colman*—continued.

whatever the goods are, as sent out and delivered with the goods. The buyer of the goods has this invoice, and that becomes to him a warranty as against the party he purchased them from; and then, if anything happens between the retail man and his customer, the consumer and he can prove that the goods were from the wholesale man, and that the warranty was given in the invoice; that covers the responsibility of the retailer.

6657. But my point is, as to what the retailer may have said to his customer?—I do not mind what he says, I want a written document. That is the great point.

6658. But do not you want some protection for the wholesale man as to what the grocer may have said to his customer; should he not give some written or printed warranty?—The retailer to the wholesale man, do you mean?

6659. No, to the customer?—He does, for instance, with regard to chicory and coffee, and he does in mustard and those things.

6660. And there the label is on, and protects him?—Yes.

6661. But I am thinking of goods on which there is no label?—In the case of margarine he has to send it out with a printed paper. I do not know any other goods that would be difficult at all.

6662. Mr. Rogers told us the other day that he considered that nine-tenths of the goods sent out from London were not goods with labels on, but goods in bulk?—I suppose that is so, but even in that case there would be very little difficulty. Taking drysalters, for instance, sending out saltpetre or goods of that kind, they would be marked on the sides of the cask; in fact, we frequently do have them so marked.

6663. Do you think that the delivery notes marked "margarine," when they are used for well-known brands of French butter, are used because those brands are suspected of being adulterated?—I think there is just that suspicion about it. As I said just now, it seems difficult for analysts to be certain as to the admixture of margarine up to 10 or 12 per cent., in fact, I am rather a large maker of butter myself, and I have occasionally sent what I have known to be absolutely pure butter for comparison with what was known to be mixture.

Mr. *Newdigate.*

6664. I think you said that there was practically no adulteration done by the retailers?—I think hardly any. Nothing that I know of.

Mr. *Newdigate*—continued.

6665. If I recollect aright, we have had evidence that the butter and margarine mixtures were sometimes made by sellers under the shops?—I do not believe that; I do not believe that it would be possible for a retailer to manufacture margarine under the shops. I have known even occasionally when fresh butter has been scarce (in fact it is done in London) that mild firkin butter is made to resemble fresh butter in pats or prints.

Mr. *Frye.*

6666. But that is simply in patting it up?—That is so.

6667. It would be quite impossible for a small trader to mix butter and margarine, would it not?—Yes; it is a very delicate and expensive process.

Chairman.

6668. You do not mean to say, do you, that the qualities of margarine that are sold in the market, and which closely resemble butter in appearance, it is impossible for a retailer to mix with butter?—It is impossible.

6669. But there is a machine with which he can do it?—It is impossible. He would require not only a very expensive machinery, but he would require also great pressure. I do not know whether any honourable Member has seen these margarine manufactories, but it is very interesting to see them, because it shows how elaborate they are, and how much skill is really required to produce the article.

Mr. *Newdigate.*

6670. Do you say that it is impossible to work margarine and butter so as to make a mixture?—Impossible.

6671. Even with the proper machine?—I do not believe it would be possible then; because I have been in Normandy, where a mixture of different kinds of butter takes place. That is a big affair worked by steam, and the different kinds of butter are placed into the butter workers, and a fluted roller runs round and works it all into one mass together. A retailer could not have that sort of thing.

Chairman.

6672. And you think the machines that have been sold for that purpose would not work?—They would not work at all; it is impossible.

Mr. John Charles Goode, called in; and Examined.

Chairman.

6673. You are a representative of the wholesale and retail tea and coffee dealers?—Yes.

6674. Do you come here as representing any society?—The Coffee Section of the London Chamber of Commerce.

6675. And you have had experience for some years in the trade?—Yes.

6676. You want chiefly to inform us of the

Chairman—continued.

conclusions that you have arrived at with regard to the sale of coffee?—Yes.

6677. You think that coffee and chicory, as a mixture, is preferred by the public to pure coffee?—That is our experience all over the country. It is our experience with our wholesale customers, and also with the retail customers at our different houses in London. I may say that

Chairman—continued.

that we put up whole coffee, and we put up pure coffee, ground, in tins, which we sell at the same price as we sell a mixture of coffee and chicory.

6678. You sell, that is to say, pure coffee at the same price as mixtures?—Yes; and we find that we do not sell 5 per cent. of pure coffee as against 95 per cent. of mixture.

6679. That mixture contains a definite proportion of coffee and chicory?—Yes.

6680. And you think that as long as that proportion is comparatively a small one, say under 25 or even 50 per cent., it might be sold under the name of coffee?—I think it should be. Really and truly the public are quite satisfied with the labels as they exist at the present moment; but I think in every case where coffee and chicory are sold it should be labelled "coffee and chicory," and I think the lettering on that label should be large and distinct in order that the purchaser might see exactly what he was buying.

6681. Would you put the proportions of coffee and chicory on the label?—I would not, for this reason, that it would be no criterion to the customer as to the value of the article that he was getting, as coffee has such a wide range in price, from 80*s.* up to 130*s.* per cwt., or something like that.

6682. Varying according to its quality?—Yes, and in the case of people who buy a low priced coffee mixture (sometimes they are retailed as low as 9*d.* a lb. in tins), they would get a far better beverage by getting a small, a very small proportion of high-priced coffee and good chicory, than by getting a larger proportion of inferior coffee and a less proportion of chicory.

6683. Then you think it is perfectly legitimate to sell coffee and chicory under the name of mixture, without stating on the labels the proportions of coffee and chicory, even up to 50 per cent. of chicory?—Yes. I think I would even go further than that; I would not interfere at all, because I think if the seller put in more chicory he will very soon lose his custom. But I may say that in a case where the proportions are larger, in our low mixtures, we do label our lower-priced goods as chicory and coffee.

6684. In the other case you label them as coffee and chicory?—Yes. We did defend a case in the country some time ago, where a grocer sold some coffee and chicory in equal proportions, which was labelled, and the lettering on the labels was large and distinct, in fact larger than any other lettering on the labels. The magistrate who presided thought that 10 per cent. ought to be the minimum quantity, and our grocer was convicted; but on appeal, the Divisional Court at once said that no conviction ought to have taken place.

6685. Then you would not call these mixtures by any other name, such as "chicorine" or "coffeine?"—No, certainly not; I should call them coffee and chicory; those are the ingredients that they contain, and I should call them by that name.

6686. You would call the higher class mixture coffee and chicory, and the lower class mixture you would call chicory and coffee?—If any alteration at all is made.

6687. Then there has not been, I think, any proportionate increase in the sale of coffee of late years?—I believe not.

6688. To what do you attribute that?—To the tremendous increase in the consumption of tea, in the lower price of tea.

Mr. *Frye.*

6689. And the high price of coffee?—Yes. But I should put it more on the ground of the lowering of the price of tea, because one can buy tea in many neighbourhoods now as low as from 1*s.* to 1*s.* 4*d.* a pound, and it is a well-known fact that a pound of tea goes further than the same quantity of coffee.

6690. Coffee is naturally a dearer food?—Yes, and requires more delicate making in every way.

6691. And it is a more expensive beverage for people than tea?—Yes; undoubtedly. When the consumption of tea has arrived at something like 243,000,000 lbs., as it did last year, that is one reason why the consumption of coffee has not increased, and not because the people have not had facilities for buying pure coffee. They have had every facility for buying pure coffee. All the large retail establishments throughout the country are quite willing to sell pure coffee whenever it is desired.

Chairman.

6692. Then you would not in any way refer the comparative want of development of the use of coffee as a beverage to the adulteration of the article which has been practised in the trade?—I do not say that it has been adulterated.

6693. Then the mixture?—No, certainly not.

6694. You think that has had nothing whatever to do with it?—Certainly not.

6695. But that if coffee had been sold in a pure state we should have had exactly the same set of conditions as now, you think?—I say it is sold now in a pure state.

6696. I mean if no chicory was mixed with it?—Certainly.

6697. It would not have made any difference in its relation to the sale of tea?—I will go further, and say that I think you would have had a less sale even than there is at present.

Mr. *Frye.*

6698. You think that one very distinct advantage of mixing chicory with coffee has been bringing it down to a price at which people can buy it, which has been the means of saving the coffee trade altogether?—I think to some extent; but in my experience even the better classes prefer a mixture of coffee and chicory to pure coffee.

6699. And from your experience you know that if you supplied pure coffee when people have been in the habit of drinking coffee and chicory, they would probably send it back and say that they do not approve of it?—Yes. I can give you one case that occurred at one of our West-end places. A few years ago we made an attempt to put in the smallest quantity

Mr. *Frye*—continued.

of chicory to decrease the quantity of chicory, and we had 200 one-lb. tins returned to us in one week.

6700. I understand that you do not approve of stating on the label the proportion of chicory that may be mixed?—No, because I do not think that it would give any real information to the consumer.

6701. Do you not think that competition would set the matter straight as regards the mixture of inferior coffees?—No, I do not think it would.

Mr. *Colman.*

6702. Would you express the opinion, then, that if any Act were passed which would interfere with the present arrangement as to the mixing of coffee and chicory, and they were bound to declare the proportions, that would decrease the sale of coffee?—Yes, in my opinion it would.

Mr. *Colman*—continued.

6703. And that is the general opinion of the grocery trade?—Yes, of the retail grocery trade I am quite sure; those who have to disperse it to the general consumer.

6704. How much has coffee gone up in price during the last ten years?—It has been high for some years I should think; I am not quite able to say; but it is very high at the present moment.

6705. Then your impression is that if tea and coffee had maintained the same relative price that they had some years ago, there would not have been the decrease in the sale of coffee which you have seen?—Yes.

6706. But tea has beaten it by competition and lower price?—Yes.

Wednesday, 12th June 1895.

MEMBERS PRESENT:

Colonel Bagot.
Mr. Colman.
Sir Walter Foster.
Mr. Frederick Frye.
Sir Mark Stewart.

Sir WALTER FOSTER IN THE CHAIR.

Mr. JOHN WILLIAMS, called in; and Examined.

Chairman.

6707. YOU are, I believe, a grocer, and you are also president of the Grocers' Association of Manchester, Salford, and the District?—I am.

6708. I think you reside at Didsbury?—Yes.

6709. And you do business there?—Yes, and at several other places.

6710. And you have been engaged in business upwards of 38 years?—Yes.

6711. You have paid particular attention to certain articles that come before you in the transaction of your business?—Yes.

6712. What articles specially?—More especially butter, and all matters affecting butter or margarine.

6713. In 1892 I believe there were a good many complaints in the Manchester district regarding the fraudulent sale of margarine?—Yes.

6714. What did those complaints lead to?—The complaints led to the association, of which I am president, suggesting that a vigilance committee should be formed to ascertain where these frauds were most prevalent, and in connection with that we called on the solicitor for the association and requested him to assist us in getting up a case where we knew that positive fraud was being carried on; that was at some stalls in the market-place in Manchester.

6715. Then you employed this vigilance committee and your solicitor for the purpose of detecting frauds of the kind you refer to?—Yes.

6716. And, I think, one of the first cases which you detected was a case of an excessive amount of water in butter?—No; the case of the water in butter was instituted by the Corporation of Manchester, or rather the authorities. Our trouble was that while the authorities were prosecuting a member of our association for butter, or for water in butter, over which he had no control, they were overlooking the fact of these frauds which we knew were existing in margarine; that is the point.

6717. That is to say, that margarine frauds were being unnoticed, while water in butter was being taken notice of and the person prosecuted?—Yes.

6718. Can you tell us then about the prosecutions for water in butter?—Yes. One of our members was summoned for selling butter con-

Chairman—continued.

taining 23·1 of water, and although he was in complete ignorance as to whether large quantities of water in butter were, under certain circumstances, inevitable and unavoidable, and in proof of this neither he nor the association would defend the case, and a proffer was made by the solicitor for the defendant to co-operate with the authorities in preventing this state of things, the prosecution was still carried on, and witnesses were brought to show that a grocer ought to know from merely looking at or handling butter that there was too much of a percentage of water existing in it. At that time, as I have ascertained since, Mr. F. J. Lloyd, consulting chemist of the British Dairy Farmers' Association, had issued a report, in which he said that "Samples of butter have been analysed in my laboratory which have contained the following percentages of water." He says: "The highest I have ever found was 47·23 per cent." Then he goes on to say: "This is no accident of analysis; the results are the mean of three tests made in the one sample. Another sample contained over 41 per cent., and others over 36 and 34 per cent." Then he goes on to say: "Now the most remarkable point about these results will probably be considered the quantity of water present; but there is really a far more important consideration, namely, that instead of being easily detected, as would at first sight appear certain, the water was not visible to even an experienced eye." He further says: "I showed the example containing 47 per cent. to several friends, and they none of them considered the water present was as much as usual; and when one of my friends, who has had exceptional experience, said he thought there might be 17 per cent. present, he was well laughed at."

6719. You adduce that case as illustrating the difficulties that the retailer has to deal with in selling butter?—That is so, and to show that in making this new departure (this being the first of the kind in this country) it was, we think, unfair to the retailer, that while actual fraud was going on which could be ascertained, yet this prosecution was carried on and the defendant in this case was fined 5*l.* and 5*l.* costs. There were other witnesses in the case to prove that it was not possible to ascertain what amount of water there

Chairman—continued.

there was unless by analysis, yet notwithstanding that he was fined. That was one cause of our taking steps to ascertain what was being done with regard to margarine.

6720. Then you found out that margarine was being very widely sold?—I would qualify that. I would not say widely. I believe that although apparently the fraud might be wide in a sense, strict fraud is confined to few; but the results of that fraud spread very widely; and in this particular case in the Manchester market a number of firms have been in existence to my knowledge for something like 35 years who sold formerly lump butter, Irish lump butter and Irish produce generally; it was supposed to be cheap, and people went there to buy it at first hand, eggs, butter, and such like. When margarine came into vogue this margarine was made up into lumps in a similar shape to the lump butter, and was sold for some time, I know, as Irish lumps, with no other designation. That was previous to the margarine law. When the margarine law came into effect they still carried on the same kind of trade in lumps, with a cloth round to imitate Irish butter, but no doubt it has been sold under that covering as being butter, whereas it was margarine. I mean to say that it has not been sold publicly, as it was at first, as lump butter.

6721. You found that in the Shudehill Market, at Manchester, at some of these stalls you could buy butter at 1*s.*, 1*s.* 1*d.*, and 1*s.* 2*d.* a pound?—Yes.

6722. And that, on analysis, proved to be margarine?—Yes.

6723. That, I suppose, had a large percentage of margarine?—I believe some of it was purely and simply margarine. I have a case, Doherty's case, from one of the same stalls, which I will bring before you directly, down to even this last month of May.

6724. You were able to obtain this evidence by your own agents?—Yes; we had considerable difficulty. We instructed three agents to apply for three separate parcels of butter. They bought at 1*s.*, 1*s.* 1*d.*, and 1*s.* 2*d.*, which was the price we had paid previously for samples which we had ascertained privately to be margarine. These were found to be margarine; but whether the authorities thought we were taking upon ourselves something we had no right to do or not, we got no assistance from them but rather the reverse; and the consequence was that, instead of our coming off with flying colours, we got a nominal fine in the two cases where we proved the sale of margarine, and in the third case the defendant walked up to the agent (who would, in obeying the law, state that he was going to place it before the public analyst for analysing purposes), found out that the money had not actually been paid, or rather the change had not been given, and said: "Oh, a mistake has been made; she has given you margarine at 10*d.* instead of butter at 1*s.* 2*d.*"; and insisted on placing this money, or the extra change, in his hands. When this case came before the magistrate the magistrate let him off, which perhaps might technically be right; but he went further than that, he fined us 5*l.*, that is to say, he put 5*l.* costs on the association for failing to insure a conviction.

Chairman—continued.

6725. Which was not encouraging to your vigilance committee?—Not encouraging at all.

6726. That was done, I suppose, by giving costs against your association in that case?—Yes; and in the other two cases the fine was 10*s.*, and the ordinary costs, where they were actually fined.

6727. Which you think quite inadequate?—Which we think quite inadequate, certainly.

6728. You would have heavier fines?—Very much heavier fines, where it was ascertained that fraud came in.

6729. Would you have imprisonment?—I would have imprisonment, but not under the present law. Under the present law the magistrate cannot define, it is impossible almost for him to define, what is accident and what is fraud.

6730. And the plea of accident, you think, is frequently used as a means of escape?—Yes; and the more fraudulent the character, the more intentionally you find it being sold, the more it is worth a man's while, of course, to get an advocate who can clear him and make the best of his case; whereas a poor woman who has bought margarine, probably innocently herself, as butter, and sold it for the same, will be fined to the extreme extent. Therefore, I certainly would not, under the present state of things, advocate any larger fines than are imposed at present. I think it would be very dangerous to do so.

6731. But, you think, that if the law were altered, it would be desirable to have heavier fines?—Certainly. If a magistrate could be assured that it was a case of fraud, I do not think you could inflict too heavy a penalty.

6732. What alteration would you propose in order to bring about that condition of things?—Without going fully into that for the present, I should say that the material itself should be made up in such a form that it would be impossible for anyone to sell it for anything but margarine unless he altered that form.

6733. Do you mean that you would colour it?—No, I would not colour it.

6734. You would keep it in certain shapes?—Yes; I would keep it in certain shapes. There is great risk about the colouring; I have gone into the matter frequently with those who are acquainted with the Danish Act, and they tell me themselves that they think less of the matter of colouring than they do of the shape in which they sell it. They sell it, of course, in ovals.

6735. It is more easily noticed by the public in that shape, you mean?—Yes; and it is more decisive in its character. One man may have a different opinion from another as to matching the colour; it is not quite so decisive.

6736. I think there was a case at Salford in which the inspector prosecuted, to which you wish to call our attention?—Yes.

6737. What was that case?—In that case a woman in Salford had bought so-called butter from one of these stall-holders, and she was fined 2*s.* 6*d.* and costs. In conversation with the inspector he informed me that he knew where she got this margarine from, but that it was difficult to catch the man who delivered it. Another member of the vigilance committee, a Mr. Torkington, offered

Chairman—continued.

offered to lend the inspector a pony and vehicle to follow this man from shop to shop, but the proffer was not taken advantage of; so that it came to this: that while a member of the association was fined practically 10*l.* for innocently selling, at a gross profit of 8 per cent., a brand of butter which had been sold openly on the market for over 40 years —

6738. That is the watery butter?—Yes. These traders, who were proved to be at the same time fraudulently selling margarine for butter, and making huge profits, but without label, or anything to indicate its being anything other than butter, were fined only 10*s.* and costs, and the association, which had acted in the interests of the public and of the honest trader, found itself saddled with a total expenditure of over 30*l.* Perhaps I ought to say, as showing the extent of the fraud, that what drew our attention to this fraud in the market, in the first place, was that I was informed by the actual wholesale seller of the article that he had just taken an order for 70 firkins (that is, Irish firkins) of margarine, and he suggested (this would be in November) that by December it would come to quite 100 a week in the one particular case, and that it was all sold for butter.

Sir *Mark Stewart.*

6739. Where did that come from?—From Ireland in this particular instance, because it was to follow on the trade in Irish lumps, and therefore it was flavoured and sent out as Irish butter.

Chairman.

6740. Was that margarine imported into Ireland in the first instance, and then sent back to England?—I should imagine so; it would be imported into Ireland, mixed with a little salt butter to give it the salt Irish flavour, and then sent forward and sold as butter in the market-place. Then I should say again, that in these particular cases in the market one great feature is that many of the restaurant keepers and larger lodging-house keepers, and so forth, go and buy there by the dozen or 20, 30, and 40 lbs. at a time, under the impression that they are getting it cheaper; and to my certain knowledge one very good first-class restaurant in Manchester is buying it from this same man who had sold this parcel for which the woman was fined 2*s.* 6*d.* and costs, and providing her customers with this under the impression, I know, herself, that it is butter. I have one reference, down to the month of May in this present year. Coming back to the man who is selling it to the restaurants as Irish butter in the market-place, we tried him again in this last May; we got a woman to go and take samples, to go and buy what she thought was a pound of butter. She herself had no notion but what she was going to buy butter. I told her to ask for something mild, and she asked the assistant in buying this butter whether he had not any milder than he was weighing for her. The assistant said: "No, they had nothing milder; if she required anything milder it would be margarine." So she stated that she did not want margarine, but butter, and she would make the one do that she had tasted. She thereupon ordered one pound, which was in the ordinary way delivered to her, wrapped in ordinary plain paper, and for which she paid 10*d.* That was a good price for pure butter at that date. The pound of so-called butter was handed to the vigilance committee, who had the same analysed, and the certificate marked "7.C." is the result of that analysis.

Chairman—continued.

6741. You had better read the certificate?—The certificate is, "This is an adulterated sample of butter; in other words, it is margarine," dated 10th May 1895, and signed J. Carter Bell.

6742. That is a very defective certificate, is it not?—It is not for prosecution purposes; we should have to get a different one if it were. All we wanted to get to know was, what the article was; and this gives us all we wanted to know. We could not prosecute on that, of course. Then, as time is limited, we will pass to the last case; because I consider that the market case in itself is the crucial case, as showing the difficulty of administering the law; and if you take that as a sample case, although I have other cases which I was prepared to go into, I think you need take no more. But there is one case, Vernon's case, which arose out of a complaint by a firm who were members of the association, that a competitor close to one of their branches was receiving weekly large quantities of margarine for sale, and in view of the fact that they themselves found it a most difficult article to sell in any quantity, they were led to test the butter sold by that competitor on several occasions, with the result that in each case the article was found to be margarine. The superintendent of the city inspectors was informed, with the result that the proprietor was summoned. He engaged skilled counsel, and pleaded, as is usually the case when a denial is useless, that a mistake had been made by the assistant. The result was a fine of 40*s.* and costs only. The point to be noted in this case is (and that is why I asked to take this case in preference to going on with the others) that it shows a different class of trading. In this case the article appears to have been served from behind a marble butter block, which would assist materially this kind of fraud; it being quite feasible to have a small portion of butter behind the block to serve inspectors, or other suspicious characters (in the traders' eyes), while at the same time any quantity of margarine could be sold to those to whom it was thought it would be safe to sell margarine; as a customer seeing two blocks, one marked "For the sale of pure butter," and the other "For the sale of margarine," would naturally feel assured that at the block marked "pure butter," nothing but butter would be served.

6743. You mean to say that this system of having a marble counter with one part labelled for the sale of margarine, and another for the sale of butter, is no safeguard for the purchaser?—No, far from it.

6744. But, on the contrary, it is a means by which on the butter slab margarine may be sold to persons to whom they judge it can be sold with impunity?—That is it; and I should say that down in our district in Lancashire it is quite a new

Chairman—continued.

new phase in our trade to serve from behind blocks; it has always been served openly. The grocers have prided themselves on having a long row of butter and margarine on the counter marked openly and served openly. A new system to us has arisen of using these marble blocks, and they could undoubtedly be used, and have been used, as a means of fraud. I should advocate in any case that both butter and margarine should be sold and displayed openly before the customers.

6745. Then you think another point in this case was the smallness of the fine?—Yes; because from the quantity seen to be entering the shop, and from the fact that in every case where butter had been asked for by the informants, margarine had been served, it it safe to assume that nearly all margarine was sold and not butter, in which case the dealer would make a large profit per week.

6746. The fact is that the profit would be so large that it would take a considerable fine to force him to give up the fraud?—Certainly. As a matter of fact, in this particular case I should say that he made the fine after the sample had been taken, because I have a note here showing the importance of having goods analysed quickly, and that the result should be made known. I have it noted that during the three weeks that had elapsed from the time that this trade sample was taken by the inspector and the summons being served, samples were purchased privately, and the man was found to be still selling margarine for butter.

6747. And after the conviction, what did he do?—After the conviction he was found to be selling pure butter. The fine of 40*s.* and costs in this case may be contrasted with the fine imposed on a poor shopkeeper who, the day after the above case had been tried at the Manchester City Police Court, was summoned at the Manchester County Police Court and fined 21*s.* and costs for selling five ounces of margarine unlabelled, the five ounces being the extent of her stock at the time.

6748. In that case this poor shopkeeper, as you describe her, had a fine that was heavy for her, while the other man who was conducting the fraud on a large scale escaped with a comparatively nominal fine?—Certainly; in the one case it would spell ruin, and in the other case it was not worth mentioning at all.

6749. And it is this inequality in the incidence of the law that you complain of?—Yes.

6750. Then I think we may pass on to the other part of your evidence, as we have had two typical cases from you?—Yes. I have got the question of warranties, which perhaps arises under the other part.

6751. Will you say anything about warranties now, then?—Briefly (it has been put before your Committee, I know) we wish the ordinary invoice to constitute a warranty; it is a most difficult matter for a small trader to ask a wholesale dealer, to whom he is possibly in debt, whether he will warrant his goods. Take the case of the poor woman whom I have mentioned; supposing that she was buying this butter on credit, it would be most difficult for her to turn round to a man who was, perhaps, in her idea obliging her, and to say,

Chairman—continued.

"Will you warrant this article?" We find in hundreds of cases that no warranty is asked for, and very much through that feeling.

6752. That is to say, the small trader of narrow means and narrow business could not go to a wholesale dealer and demand a warranty?—Not at all.

6753. But you would make the invoice of that dealer a warranty in itself?—Yes.

6754. So that there would be no demand made necessarily on the part of the small purchaser?—Yes. In one case, for instance, I observe that a man had made an invoice of so many pounds of "Kiel"; he neither said "margarine" nor "butter."

6755. That would not constitute a warranty?—No, that would not constitute a warranty.

6756. In that case the wholesale trader would escape, then?—Yes, the wholesale trader would escape.

6757. How would you enable a poor person to deal with that device?—Of course, anyone entering into trade at all should have some capacity for business, and if they would allow a bill like that to pass their observation, I should think that they would deservedly have to meet the consequences.

6758. Would not the position of this poor woman, who keeps a small retail shop, be as difficult when she refused to take an invoice labelled "Kiel," as if she said "I want a warranty of this butter"?—It would be very nearly; but still there would be a slight difference. It is difficult if you go to a man, from whom you buy butter, and assume it is butter, and speak of it as butter, and you say, "I want five or 10 firkins of butter," as the case may be, and then after you have decided on your purchase to turn round to him and say, "I suppose this is butter." That is a different matter from saying, "This bill does not say it is butter after all." There is a slight difference in favour of the purchaser there.

6759. I think I understood you to say that you would have the invoice made a warranty, as proposed in the Bill of Sir Charles Cameron?—Yes; I should say that there are two cases, one pending now in Manchester, which show the importance of some alteration in the law. I find that two individuals have been fined just lately, both of whom declare, and they have produced, as I understand, the invoice in court showing that the material was invoiced as butter, but there being no warranty the magistrates have inflicted a slight fine. But you neither get at the wholesale man who has sold it, nor do you even get the name of the man. I have a strong suspicion that the man is very likely to be one whom we have had under notice.

6760. You have also something to say with reference to coffee, I think; you say that the mixture of coffee and chicory that is usually sold, you would still allow to be sold as coffee and chicory?—Yes, I think so; I think it would be very dangerous indeed to alter the law with regard to coffee and chicory. The case appears very different from that of margarine. We have many people who object on principle to eating fat from an animal that has been killed, for instance, instead of butter; but, in this case, you have two articles of vegetable origin, and you have the same duty imposed on them by the Government.

Chairman—continued.

Government. Many people like chicory, and plenty of it, and some detest it ; and I should think that the public might safely be left to discriminate as to what they would use.

6761. You think that if we were to have any law fixing the percentage of coffee and chicory in each mixture it would not work?—It would not work at all.

6762. Why would it not work at all?—Because coffee and chicory not being in a liquid state, you never could accurately mix it; the consequence would be that the analysts would vary almost every time. As a matter of fact we do find them vary in the most extreme form.

6763. So far as I follow you, I understand you to say that coffee and chicory being mixed as pounds, the blending is incomplete, and you might have, for instance, in one part of the canister a larger proportion of chicory than of coffee, and in another part a larger proportion of coffee than of chicory?—Yes.

6764. So that in taking out of the same canister two samples, you might have, say, 30 per cent. of coffee in the one case and 15 per cent. in the other case?—That is so.

6765. And therefore from that you infer that it would be undesirable to have the percentage of the mixture stated on the label?—Yes.

6766. And that it is almost impossible to make it accurate?—Yes.

6767. Is there any other suggestion that you would make with reference to mixtures?—I would go further than that, and say that even when it was accurately mixed, the mere handling of the canister would agitate it in such a way that one or the other (I do not know which is the heavier) would fall to the bottom; you could not get it properly mixed.

6768. The mixture would vary from time to time?—The mixture would vary from time to time, even if it were accurately mixed at first.

6769. That is your practical opinion?—Yes.

6770. In order to protect the public would you have any kind of label put on?—I think the present label is quite effective enough. If I would do anything at all to make any alteration in the label I would allow possibly no other words than the words "coffee and chicory" on it, in order that it might not be crowded up in such a manner that it was almost undecipherable.

6771. Would you admit a label of this kind, if the larger proportion of the mixture were coffee, to call it coffee and chicory, and if the larger proportion were chicory to call it chicory and coffee?—That would be the safest change that I know of; but even that would be rather unsafe. Take the case of a man putting 45 per cent. of chicory and 55 per cent. of coffee, it is just possible that a sample if taken might show the reverse. There is a danger still.

6772. There is a risk?—Yes, a grave risk.

6773. But still it would keep them well on either side of the margin?—Yes, it would.

6774. And you would have mixtures containing a larger proportion of coffee and mixtures containing a larger proportion of chicory sold at cheaper prices?—Yes, although it does not follow, even, the price, because one person will use a better coffee than another, and it does not

Chairman—continued.

follow that the one who might put in 45 per cent. of coffee would be serving a better article than a retailer putting in 45 per cent. of chicory only.

6775. That is an important point. I understand you to say that a smaller proportion of of superior coffee with a larger proportion of chicory would make a better mixture than a larger proportion of inferior coffee with a smaller quantity of chicory?—Decidedly.

6776. So that the actual proportion of the ingredients would not be the test of value?—Not at all. I have one or two cases here which have come before you, perhaps, which I should like to mention.

6777. There was a case, I think, last year, in January, in which a Sheffield magistrate dismissed a case with 70 per cent. of chicory?—Yes.

6778. On what ground was that dismissed?—The man was summoned for selling on the 12th of December half-a-pound of coffee containing 70 per cent. of chicory, and it appears that it was sold from a tin bearing the label, "This mixture is sold as coffee and chicory."

6779. And the magistrate dismissed the summons on the ground that they were not bound to fix the proportion?—Yes; in this case the magistrates were not inclined, they said, to undertake the duty of fixing the proportions, and they dismissed the case.

6780. Then there was another case dismissed on similar grounds at Bradford, I think?—Yes; in that case the coffee was sent to the analyst and found to contain 67 per cent. of coffee and 33 per cent. of chicory.

6781. Then I think there was a case at Barnard Castle that you wish to refer to, in which the analysis of Somerset House and that of the local analyst differed very widely?—Yes.

6782. The local analyst in that case, I think, found 94 per cent. of chicory, and the Somerset House analyst only found 31 per cent.?—Yes.

6783. Do you think that that difference could arise from a mechanical variation of a mixture, such as that which you have suggested?—No, I should sooner suggest that it was a mistake on the part of the analyst; the variation is too much.

6784. There is another label, which you say sometimes is used, on which it is stated in the one case that the mixture contains more chicory than coffee, and in the other case that it contains more coffee than chicory?—Yes.

6785. Then that is a good label?—It is a good label if the law is altered at all, possibly ; but it still is rather dangerous.

6786. It is dangerous, because the labels might get mixed, or wrongly applied?—Yes ; the more you confuse the business with labels the more difficulty you have. In the special case where this label is used, it is the case of a very large manufacturer who sends out a large quantity of tinned coffee; but if you take the case of an ordinary retail grocer with one shop (and we may assume that there are thousands of them), it is a great expense to him to keep these different sets of labels, and the assistants might very easily on a busy night use the wrong one.

 6787. They

Chairman—continued.

6787. They might accidentally apply them wrongly?—Yes.

6788. And then there might be a prosecution, and an unjust fine inflicted?—Yes; on the whole I think that the law as it stands for coffee is hardly worth altering.

6789. Is there anything else you wish to say to the Committee?—There are suggestions as to margarine which I have not entered into at all.

6790. Would you give me those suggestions?—The amendments that I have to suggest, and they are approved by the leading grocers of Manchester, Salford, and the district, are, first, that manufacturers and merchants shall not sell margarine in any other form than in oblong or brick-shaped pieces weighing half-a-pound and a pound each, and that on every such piece a parchment paper band shall be placed lengthwise round it, and shall have printed thereon in block letters half-an-inch deep, the word "margarine"; the word to run lengthwise on the band at the top and bottom of such pieces of margarine. That there should be a heavy penalty for, and confiscation of, any parcel of margarine found in any other shapes, and without the said band, on the premises of makers of or dealers in margarine, except for quantities in process of manufacture. Retail dealers to be penalised and subject in like manner to have all margarine confiscated, if found in any different form from that suggested, unless the retailer proves that he bought the article in good faith as butter. No penalty to be exacted if the amount found in any other shape be of less weight than eight ounces.

6791. Why do you say that?—I think you could hardly call it a fraud if a person had, say, some two or three ounces on the counter unlabelled.

6792. Could you not in that case have a large sale of margarine in small packages of a quarter of a pound?—I say only half-pounds and pounds, and to have it in quarter-pounds, I consider would be, perhaps, too tedious to expect.

6793. Do you not think that your scheme would be evaded? You say you would have it in these brick-shaped blocks weighing half-a-pound and a pound each; but supposing that a man made it a third of a pound or a quarter of a pound, and sent all his margarine out in that shape, you say no penalty would be inflicted?—I say for any less weight than eight ounces.

6794. A third of a pound is less than eight ounces?—Yes.

6795. Then there would be no penalty?—Of course if he had a considerable number of pieces unlabelled, I should simply call them one, but I am assuming that he has cut a piece in two for the sake of a quarter of a pound, and has one one quarter of a pound unlabelled.

6796. I do not think that your proviso, "no penalty to be exacted if the amount found in any other shape be of less weight than eight ounces," is a wise one. Do not you think it opens the door to fraud?—Possibly. I took that view of the matter because I did not want to make it too troublesome to get the quantities in; but it would be quite feasible to make quarter-pounds up in the same form.

Chairman—continued.

6797. Then what is your second suggestion?—That no mixture of more than 6 per cent. of of butter with margarine be allowed.

6798. That is to be allowed to be sold as butter?—No; to be sold as margarine.

6799. Do you mean that you would limit the mixture to 6 per cent. of butter, that you would not allow a man to put 10 or 15 per cent. of butter in it?—No, I consider it quite unnecessary. And why I allow 6 per cent. is that I am informed that it would be unsafe to say any less, because large quantities of the oleo are churned up with milk, and naturally there is a production of something like 4 per cent. as a rule, possibly a little more at times.

Colonel *Bagot.*

6800. Four per cent. of butter in margarine pure and simple, which has not been added as butter?—No, not added as butter, but taken up out of the milk. I think that would be very detrimental to the farmer himself if you were to forbid any percentage whatever of butter, because he would not get the same outlet for his milk. I know that in Scotland, for instance, that view has been held very strongly, that they had no outlet at one of the creameries for the milk, and they found it of great value to them to be able to sell it to the margarine makers.

6801. May I ask you one more question about the six per cent. Is not 10 per cent. about the usual addition of butter to margarine that is sold and mostly used?—It is almost impossible to get at what is the percentage.

6802. I understand that 10 per cent. is the usual thing; do you know that?—I do not know that at all. They will tell you that there is 30 per cent. in, and possibly 40 per cent. in.

Sir *Mark Stewart.*

6803. In the best mixtures?—Yes.

Colonel *Bagot.*

6804. Is it not usually 10 per cent.?—No; but I do not think that it would be possible to get at it. Only a margarine manufacturer would tell you that; but it is sold to us sometimes and specified as containing 30 per cent. of butter.

Chairman.

6805. Your opinion is that six per cent. is the proportion that ought to be allowed?—Yes; which simply means that I would allow no mixtures whatever, but simply use the milk.

6806. Your next suggestion is that you would have all butter and margarine examined at the port of entry?—Yes.

6807. By the officials?—Yes.

6808. Then you would have travelling inspectors, I understand, to visit localities to encourage local authorities to carry out the law?—Yes.

6809. Then you would have all public officials allowed to appoint deputies to take samples?—Yes; I believe they do that now.

6810. And it facilitates obtaining the article, which the inspector himself, who is known, cannot obtain?—Yes.

6811. Then

Chairman—continued.

6811. Then you would have samples also taken at hotels and restaurants?—Yes.

6812. In order to find out whether fraud was going on in those places and not publicly:—Yes; I think that is very desirable, from the illustration which I gave you.

6813. Then you would also have inspection made of wholesale houses and manufacturers' premises as well as of retailers'?—Yes.

6814. In order to test the articles in bulk?—Yes; I would make no exception.

6815. And you would insist upon margarine always being invoiced as margarine?—Yes. Then the next suggestion, I fancy, conveys what is not quite the fact. I say that I would, as in the case of the Shop Hours Act, have a copy of the Margarine Act provided by the authorities to every shopkeeper dealing in margarine. As a matter of fact, I do not think it is obligatory upon the authorities to provide the Shop Hours Act; but in our case in Manchester we were provided, and I thought, when I wrote this, that it was, perhaps, obligatory on their part. But, in any case, it would be desirable to have this Act placed prominently for the assistants to see it; and it would be desirable that it should be enacted, that the Act itself should be hung up.

6816. So as to bring it under the notice of all assistants in the places of business?—Yes; and then I would have any assistant proved to have infringed such Act, either by wilful disobedience of the employer's instructions or through negligence, liable for any loss, and incur the penalty that would otherwise be inflicted on the employer.

6817. Do you think that would act?—It would be a deterrent. You are in the hands of a man who may be on notice, and he may perhaps do something that would be very unfortunate to the proprietor of the place.

6818. Would that not give a loophole very often for the principal to escape by at the expense of the assistant?—There is that side to it, certainly; but you cannot meet everything; and if we assume that the law was altered so that the articles should be sold in a certain shaped package, the proprietor would have some degree of safety; he would have conformed to the law; he would have bought it in a certain prescribed form, and would insist upon its being sold in that prescribed form. The difference between my suggestion and the law as it now stands is that a dealer in margarine has the article sent to him somewhat in the same way as a person who, having found out a metal very like gold, sends it out in the shape of sovereigns and half sovereigns, and then the user is told that he must put it in amongst his copper and give it as change for copper, though under the statute the manufacturer is allowed to put it in the shape of sovereigns and half sovereigns. In this case he gets an article which is so close an imitation that the quantities of pure margarine, not mixtures, are hard to distinguish; and he sends it out in such a shape and form that will make it exactly like butter; and then you say to the man selling it, You must do so-and-so; you must put such and such labels on it and a paper round it. I would

Chairman—continued.

insist on the man who has introduced this article sending it out in a specific form.

6819. Lastly, I think you would have the result of any analysis communicated to the vendor within three days of the sample being taken?—Yes.

6820. So as to prevent any undue delay and give him an opportunity to defend himself?—Yes; and not only so, but if a man has bought a week's stock, and we may presume that it is taken on the Wednesday, he may be selling margarine unwittingly for a week, and, as I have illustrated, one man sold for three weeks with impunity and knowingly.

6821. I think that concludes your direct evidence, does it not?—I believe it does. I would just like to refer to the colouring that has been proposed and the non-colouring of margarine, to show you how it would work. It has been proposed by some, I believe, that margarine should be left in its natural uncoloured state. If you do that, while you would make it unsaleable in one part of the country, you would assist fraud materially in another part. I have three samples here to show that: one is pure butter as used in Lancashire, more particularly in the Wigan district; that is a very pale butter; then in South Wales and in the Midlands you will get a high-coloured butter, like the centre one; and then the one on the left is uncoloured margarine (*handing in a case of samples in three bottles*). I have had a facsimile made of what I propose for selling margarine in pounds and half-pounds, and those are exactly what they would be (*handing in two wooden models with parchment-paper bands, labelled "Margarine"*). Then there have been certain objections raised, that by packing it in block fashion the article would be likely to spoil very quickly. There may be a slight substratum of truth in that, but not very much. As a matter of fact, I have a piece of margarine (from which that uncoloured sample was taken) which has been in paper, purely by accident, since 29th March, and certainly it has not improved, but it is not so bad as you would expect to find after listening to what some gentlemen have said (*handing in the same.*)

Sir *Mark Stewart.*

6822. Your main recommendation in regard to stopping adulteration would be to make the invoice of all goods a warranty?—Yes.

6823. And that would apply to all imported goods from abroad, as well as goods manufactured in this country?—Yes.

6824. That is your special recommendation?—Yes.

6825. I did not quite follow whether you recommended the penalty being increased under the Act?—Yes, assuming that you have decided proof of fraud; assuming that you alter the law in such a form that you have that; I should say have a heavy penalty.

6826. But I did not quite follow what you mean by a heavy penalty?—I did not suggest the amount at all.

6827. Would you suggest any penalty?—You might follow the lines of the Danish penalty,

Sir *Mark Stewart*—continued.

which runs up, I think, to 300*l.* for a third conviction.

6828. Would you make it imprisonment?—Yes, if you can once ascertain that it is really fraud, most decidedly.

Mr. *Colman.*

6829. Do you know that the German Government does not allow any butter to be added to margarine, and still allows 6 per cent. of butter fat, as being the quantity absorbed in the manufacture?—No, I was not aware of such an Act; and I was not aware that it would take up 6 per cent. from the milk.

6830. As to putting the margarine into these special blocks, of course there is something to be allowed for extra weight or making full weight; have you any idea what that would add to the cost of the shopkeeper?—I should assume that it would add very little, and for this reason: if you want to buy it in prints, for instance, you can buy it at 2*s.* per cwt. over the cost in bulk, and in a square form like this you would not have nearly the same waste that you would have in printed blocks, because you would not have the cavities between as there are in a round parcel; the squares would fit together; you place a piece of paper over them, and I cannot conceive that there would be any material waste at all.

6831. Passing to the suggestion that you made of following the samples into hotels and restaurants, I do not know quite how far you would extend that. Supposing that a hotel-keeper buys some margarine, and is going to use it for cooking or for bread and butter and the like, or melted butter, in what way do you follow it to the hotel-keeper?—I have not thought particularly on that point, not on every detail; but I should suggest that if a person went into a hotel and asked for a cup of tea and bread and butter, he would assume that it was bread and butter unless the contrary were made known; and if it were proved that it was margarine, I think the hotel-keeper should very justly be prosecuted unless he could prove that he had received it as butter.

6832. Though margarine may be quite wholesome you still think you could follow it into hotels, restaurants, or railway stations?—Yes, decidedly; and I think in the interests of a great number of our fellow-countrymen, who are vegetarians, it is only fair that if they ask for

Mr. *Colmnn*—continued.

bread and butter they should have bread and butter.

6833. Then your last suggestion was, that the result of the analysis should be made known to the vendor. I understand that to apply not only to margarine but to all other articles?—Yes, but to margarine more especially; because the bulk of that is so excessive that you sell a thousand times more of it than of ordinary articles in trade, weight for weight.

6834. Do you mean that recommendation to refer to coffee, cocoa, and things of that sort?—No, I do not.

6835. Have you any objection to the certificate of the analyst going to the wholesale dealer or manufacturer as well as to the grocer?—Not at all; I should think it would be better that it should.

6836. You think it quite fair that it should be so?—Yes, I think it ought to be so.

6837. You said also something about the difficulty of small grocers keeping labels. You would have no objection, would you, to the manufacturer's label on the article going to the analyst, so that he should see what is said on it?—I think it is desirable that it should.

6838. Do you think that the analyst should know the price at which the article has been purchased?—I do not think that is necessary.

6839. Would it not be in some way a guide to him as to the mixture?—It might be a guide to him, but I do not see why it should necessarily follow that he should know anything about the price at all.

6840. Just one word about coffee; you spoke of the different values of coffee. I suppose the analyst, though he may find the percentage of coffee, has no means of telling the exact quality of the coffee?—I should expect not.

6841. Whether it is 80*s.* coffee, or 130*s.* coffee?—I should think not at all.

Sir *Mark Stewart.*

6842. Would you see any difficulty in going into a hotel and getting a sample?—I know that samples have been taken, and that in one case a fine of 5*l.* was inflicted for selling bread and margarine instead of bread and butter.

6843. In a hotel?—Yes; but I have never heard or seen of more than that one case.

6844. It is not often done, then?—Oh, dear, no.

Mr. WILLIAM JENNINGS, called in; and Examined.

Chairman.

6845. YOU have been in the retail grocery and provision trade for 47 years?—Yes.

6846. And at Bristol for the last 35 years?—Longer than that. I have been in business on my own account for 35 years.

6847. As proprietor, I mean, of a business yourself?—Yes.

6848. And you have been a member of the Federation of Grocers' Associations from its commencement?—Yes.

6849. And you are also a member of the General Purposes Committee?—Yes.

Chairman—continued.

6850. And you have been Vice-President for three years, and for the past two years President of the Bristol Grocers' Association?—Yes.

6851. You wish to give us evidence in reference to coffee, I think?—Yes.

6852. You think that if the purchaser of coffee wishes to buy genuine coffee he should say so?—If he wishes for genuine coffee he should say so when asking for it.

6853. And have it?—And have it.

6854. Of course, he would have to pay a certain price for it?—Yes.

6855. More

Chairman—continued.

6855. More than for an ordinary mixture?—More than for an ordinary mixture, but very little more.

6856. You think that when people ask for coffee at 10*d.* a pound they cannot expect to have it pure?—Certainly not.

6857. The price does not admit of it?—It does not, unless they have very common coffee.

6858. Would you think that a customer ought to be advised when he is purchasing, whether he is purchasing a mixture or the genuine article?—I think not, especially under those conditions. If he comes and asks for tenpenny coffee he cannot expect pure coffee at 10*d.*

6859. Do you not think that the trader ought to label what he sells him?—It is all labelled.

6860. How do you label it?—I have one of my own labels here: "This is sold as a mixture of coffee and chicory," so that it would be impossible for anyone to be deceived about it; it is labelled the reverse way as well (*handing in the same*).

6861. Then you would have it labelled as a mixture of coffee and chicory, as on that label?—Yes, I would have it labelled as a mixture of coffee and chicory under a certain percentage.

6862. What is your percentage?—Fifty per cent.

6863. If it was over 50 per cent. of chicory, you would label it chicory and coffee?—Yes.

6864. Do you agree with the last witness as to the difficulty of maintaining accurately this mixture?—There would be a difficulty, undoubtedly.

6865. That is to say, if you had 45 per cent. of coffee and 55 per cent. of chicory, you might take a sample from a canister and it might contain more or less of either ingredient?—That would be so for this reason, that when the assistants mix these articles, which they often do, they are not so careful as the employer himself, or those who have had more experience.

6866. But do you think they alter afterwards from keeping; that is to say, that the mechanical relations of the mixture alter?—I should not think so.

6867. You do not think that the coffee would sink or that the chicory would sink?—I should not think so; but I have not gone into the question and am not in a position to answer it.

6868. It does so in the case of certain mixtures of drugs?—Yes.

6869. But there one is of much greater specific gravity than the other?—Quite so.

6870. What have you to say about French coffee?—Of course we have difficulty with regard to French coffee, especially if an inspector comes in and asks for a quarter-pound tin of coffee. Where it is sold at 10*d.* or 1*s.* at the outside (there are cases where it is sold for more, of course), on the top of the tin you will find "This is sold as a mixture of chicory and coffee," as well as the label being on it, "This is sold as a mixture of chicory and coffee."

6871. You think that that ought to protect the trader and warn the customer?—Certainly, and for this reason: that in the case of a canister the seller has no means of knowing what percentages there are in it; he has had nothing to do with it, and therefore is not responsible for its contents.

Chairman—continued.

6872. Then as regards cocoa, you think cocoa is sold at a price that it cannot be sold at as a pure article?—That is loose cocoa. It is sold, I believe, now at various prices: from 4*d.* a pound upwards; and where it is sold at that price you cannot, of course, expect to find pure cocoa.

6873. And you think the labels ought to be sufficient to protect the customer?—Certainly. In the case of loose cocoa we put an adhesive label on to it after we have wrapped up the cocoa. In the case of packets of cocoa, of course, the manufacturer has his label upon it; that, we think, ought to be quite sufficient to protect the seller. Cocoa becomes a proprietary article. I can give you a case in point. A customer yesterday called in to see me who has received a summons for selling half a pound of Caracas cocoa, with 40 per cent. of foreign matter in it; that is, of the ingredients which generally go to make the cocoa. The man is as honest as the day. I could trust him with almost anything, and he is quite in a difficulty as to his character being damaged by selling this cocoa.

6874. You think that the fact that cocoa is recognised as a mixture of cocoa and certain farinaceous products is a sufficient protection for a man under those circumstances?—Certainly.

6875. And that it warns the public?—Yes; everyone knows it, I should think.

6876. Do you think that the labels are sufficiently explicit on the subject?—Yes; I should say so, from the fact that they state "This contains articles not injurious as food."

6877. Then you would not have the percentages stated on these labels?—No.

6878. You think that that would be interfering with trade processes?—Quite so; no one would be more satisfied with it, and it would be no protection.

6879. Do you think that mustard, being usually a mixed article, the label is sufficient in that case?—Yes.

6880. Is it your experience that pure mustard is ever asked for?—We sell it pure now in very many cases, especially loose. "Genuine fine;" we have that for a certain purpose; and, then, of course, we use the ordinary papers.

6881. Then is the sale of pure mustard increasing?—I think not.

6882. You think that people prefer the condiment mustard?—It has been stated, and I suppose there is some truth in it, that the pure mustard does not keep so well as the condiment mustard; that has been stated again and again. I am not in a position to judge.

6883. Has any customer told you that pure mustard is pleasanter, or the reverse?—I have not had any remarks of that kind.

6884. You think that customers understand perfectly well when they buy the ordinary condiment mustard that they are buying an article that contains mustard and other ingredients?—Certainly; because it is specifically stated so on the tins. I had a case of that kind that occurred to our association in Bristol some little time ago, at Clifton, where the inspector came in and asked for half a pound of mustard. The proprietor happened to serve him, and said, "We have no loose mustard;" and he said, "Oh, very well;

Chairman—continued.

what are those there?" pointing to some on a shelf; that was a half-a-pound tin of Colman's D.S.F., mustard, a mixture. He said, "I will have half-a-pound of that"; and the proprietor handed him a half-pound tin. He said: "No, I do not want the tin, I want it loose"; so the proprietor turned it out for him into a paper and wrapped it up, and after he had done so, he handed him the tin also; and the inspector said: "No, I do not want the tin; I will make you a present of that." That is what came out in evidence: and upon that, of course, the proprietor was summoned for selling mustard condiment. Messrs. Colman took the case up, and after a very long hearing in the court (I was in the court most of the trial) it was dismissed. There was hardship! Of course, the inspector knew very well; that is to say, if he knew anything; sometimes they appear to be very green, and at other times, from the evidence of cases that one has read, they are green; there is no doubt about it; it appears that in this particular case he said he had not noticed the tin; it was the first time he had been for anything of the kind, and so on. I think if they send such men as that out it is giving the shopkeepers a great deal of unnecessary annoyance and trouble which they ought to be protected from.

6885. Have you anything to say about pepper and ginger?—Pepper and ginger, I think, ought to be certainly genuine; there is no need whatever for their being adulterated in any case that I am aware of. I might say that some little time since I had a quantity of pepper in from a London house, with bags of tapioca and sago. There was nothing on the invoice to lead me to suppose that the pepper was genuine, although I had nothing to lead me to suppose that it was the contrary, because I have had pepper from the same firm for a number of years. I sent the invoice back with the request that they should write on the invoice "genuine," that I might be protected in the event of anything happening. They sent the invoice back written on the bottom "genuine," I sent the invoice back again, asking what I was to understand by it, whether the pepper was genuine, or the tapioca, or the sago, or the paper; because if I went into a court of law I should not be protected in any way by anything of that kind. I told them that what I required was that the invoice must have written upon it "Guarantee genuine," and their name signed at the bottom of it. I also said that I thought they were trifling with me. They sent it back, with a note apologising and hoping that I had not any opinion of that kind, and that as they sold all their spices genuine, there was no need, they thought, to reiterate it upon the invoice. But according to the present state of the law it is necessary that we should have stated upon the invoice the genuineness of the different articles. I think it is quite unnecessary that it should be so; I think the invoice itself ought to be a guarantee that it is genuine.

6886. Margarine you would have sold, I believe, in special shaped tubs?—That is so.

6887. You would allow inspectors, if necessary, to visit factories where they make

Chairman—continued.

margarine, or pepper, or any other product?—Yes.

6888. So that they could search the wholesale maker's premises?—With certain restrictions. I should not allow them to go anywhere. One would think that their castle is their home.

6889. You saw those samples of blocks of margarine put before us by the last witness?—I have seen them.

6890. Do you think those would be better than the tub that you speak of?—Why I mentioned tubs is this: I want them to be made in one particular form, and only sent out in one particular form. I am not speaking now of ½ lb. or lb. blocks, but of ¼ cwt., ½ cwt., or cwt. casks, which should be larger shaped at the top than at the bottom, so as to be easily turned out, and that margarine should never be allowed to be sent out in crocks, baskets, boxes, or anything else, but that there should be only one form of package for margarine.

6891. And that they should be labelled indelibly?—Yes, labelled indelibly.

6892. You think if that were done it would prevent mistake, and also fraud?—It would prevent fraud in this way: that the assistants would be aware then of anything that was being done, which is not the case now.

6893. You also think that it would not interfere with the sale of margarine, which you regard as a popular and useful article of food?—Certainly. The cases which have come before your Committee I have read, I think, from beginning to end, and I have taken a great deal of interest in this margarine question from first to last, and the speciousness, I call it, of some of the witnesses who have been examined upon this question is amusing, if you cannot call it anything else.

6894. I do not think you need criticise the witnesses; if there is any specific point that you wish to refer to we shall be happy to have your opinion?—It would be in this way then. One gentleman has stated that the labels are not easily taken off the baskets. Anyone who knows anything at all about business would know how easy it is to get a knife and cut a piece of string; and where is the evidence that that was margarine or anything else. Then you have had cases brought before you where one gentleman stated that a dealer went to a certain warehouse and took away 40 or 50 baskets, and that in transit to the different shops he cut the labels off, took the margarine to the different places, and the men sold it at 1*s.* 4*d.* a lb., costing 9½*d.* If that is not a deliberate fraud, I wonder what is. If it were sold in the packages that I suggest, that could not occur.

6895. You think that would be sufficient protection?—That would be sufficient protection so far as that sort of thing is concerned. I know very well that it is a very difficult matter to prevent people from being dishonest in this, as in other cases; but I think that the public, and also the shopkeepers themselves, should be safe-guarded so far as it is possible to safeguard themselves.

6896. Then you would allow mixtures of butter and margarine to the extent of 20 per cent., you think?—I think so, for the reason that I have no wish to stamp out the sale of margarine, believing that there are people who are using

Chairman—continued.

using it of necessity, whose means will not allow them to use butter of a high price. Of course now it is a very different matter with the present low prices of butter.

6897. I think after repeated offences by the same retailer you would be inclined not only to inflict heavy penalties, but to go so far as imprisonment?—I should.

6898. You think that would be the best deterrent?—I think there is just one of two things we must do. We must either send margarine out in its uncoloured form, which appears to be objectionable, or we must have some special penalty to keep people honest.

6899. But you would apply imprisonment to all adulterations as well as butter, after repeated offences?—Yes; I do not think we should confine it to margarine after repeated offences.

6900. You think butters ought to be inspected at the port of entry?—Yes.

6901. You think that would do a good deal, both in connection with margarine and butter, to keep trading pure?—I think so. Of course, it is said sometimes that you cannot get at the foreigner, but I think there would not be very much difficulty in getting at him if he were mulcted in the way of confiscation of his goods once or twice.

6902–3. That is to say, when they were landed in bulk they would be tested, and if they were found impure they would be confiscated?—Yes.

6904. And that would settle the foreigner, or at least prevent him sending it over again?—He certainly would not repeat the dose very often.

6905. Is there anything else you would like to say?—I have one case that I should like to bring to your attention; it is a case of margarine, which occurred in our own city some little time ago. We are always reading that these are mistakes; that there is no intention, and that it was quite an accident, and all that kind of thing. Here we have a statement, and this I might say was privileged information that led to this conviction; an inspector went in and wanted a pound of butter, marked 1*s.* 2*d.*, and the assistant was getting it from the side of the board. The inspector said: "I want it from the centre of the board"; and after persisting in his demand he got it from the centre of the board; and then afterwards he said: "I will have a pound of *this* roll as well"; then the assistant was getting it from some other place, and he said, "No, I want a pound of *that*," and he insisted upon having it. And both of them were found to be margarine. It appears that in the first case there was a large lot of margarine on the board, with some butter; the butter had small pieces of paper, just a little bit, perhaps *that* size (*describing the same*) put on to the half-pounds of butter. If a stranger came in he was served with half a pound or a pound of butter, as the case might be, but if anyone else came in they were served with the margarine without any slip of paper on it. In this particular case I knew it had been in existence for a long time. I had seen a long time previously to this conviction a pound that had been analysed, or part of a pound that had been analysed, and also the analysis. The thing was going on for a long time; and I think this place had been watched, more or less, for 12 months before they could get the conviction, and then the conviction would not have occurred but for the piece of paper and the information supplied to the authorities to enable them to get the sample. There is always something of that kind going on, and therefore that leads me to the conclusion that there must be a wilful intention. And then you see it acts in this way as well. I may be next door to an individual who is pursuing this practice, and when butter is dear he can sell his mixtures at a good profit, whereas I may be selling butters at a very poor profit, selling perhaps not a tithe of what he is selling, because the mixtures are so palatable and good compared to the cheaper butter; and therefore there is a disadvantage to myself or to anyone else, who may be similarly situated. And then also with regard to young men in the employ of such people, they of course are being brought up in a very bad school; they, in turn, go into business and of course pursue the same practices that they have been taught in these places where these dishonest practices are carried on.

Sir *Mark Stewart.*

6906. What is your opinion about margarine being coloured with some distinctive colour?—I certainly should not approve of that.

6907. What would be your reason for that?—I think it is a cheap article of food, and that if you coloured it it would defeat the very object of its being used as a food.

6908. But it is coloured now?—Yes, but not an objectionable colour.

6909. I think it should be coloured as it is now. You would allow the present colouring to exist?—Yes.

6910. But you would not like to see it pale pink, or green, or yellow?—Certainly not.

6911. But you decidedly would let it be coloured as it is?—Yes.

6912. To be made like butter?—To be made like butter, if imprisonment will stop the fraud; but if imprisonment will not stop it, then I should say go in for its natural colour, so as to make it impossible for people to be deceived.

6913. Its natural colour would be very pale yellow, would it not?—Yes.

6914. Have you any other suggestion to make to the Committee?—I do not think I have, excepting with regard to papers. This is the paper I use. There are papers, of course, used now with almost everything upon them. There is a paper with just "margarine" only on it (*handing in the same*).

6915. You would enact that?—I should think it would be advisable to do so.

6916. Have you the same views as the last witness in regard to having a warranty; I think the point was that every invoice of goods should necessarily stand as a warranty?—Yes, without anything further being written on it than 20 casks of butter, 2 casks of pepper, or whatever it may be. You are buying pepper; you are buying butter.

6917. And that should protect the retail grocer or vendor if he could show this invoice?—Yes.

Mr. *Colman.*

6918. You spoke of the labels being taken off the baskets in which margarine is; have you seen them yourself taken off?—I have not seen them taken off, but I have seen the labels on the baskets, and I could see how easily they could be taken off.

6919. Are they not fastened on in some way to the twigs of the baskets, so that you cannot cut them without cutting the twigs?—They are tied on, I think, with a piece of lead fastened across the string. There is nothing to prevent the string being cut.

6920. Without cutting the baskets at all?—Without cutting the baskets at all.

6921. Referring to the inspector who went for a sample of mustard and insisted on its being loose, I suppose it is the fact that inspectors generally like to get things loose if they can?—They generally like to get a case if they possibly can, and some of them will do anything that would help them to get a case.

6922. Would that not be met if the grocer were enabled under a new Act to decline to sell except in the manufacturer's package?—Yes. I think it is largely being done now, seeing that everything almost is put into packages, even penny tins of mustard. We do not need to sell an ounce of loose mustard, because there is an ounce all ready.

6923. But you would not object to a new Act giving grocers power to decline to sell it loose?—Certainly not.

6924. And that might apply to all mixed articles?—Yes.

6925. Then the notice on the article would necessarily go before the analyst?—Yes; that ought to be our protection.

Colonel *Bagot.*

6926. What percentage of butter did you say you thought should be allowed to be mixed with margarine?—Not more than 20 per cent. in any case.

6927. Then you think that margarine with 20 per cent. of butter should be sold as margarine?—As margarine only.

6928. Do not you think that 20 per cent. is rather higher than the amount of butter usually put into the best margarine?—I have heard that 30 and 40 per cent. is put into the best margarine.

6929. But in what is usually sold as margarine and used very largely in the country, is it not the fact that there generally is about 10 per cent. of butter?—It would come in, in this way: margarine is sold at different prices. I think it is being sold now as low as 4*d.* a lb., and you would not expect much butter in 4*d.* margarine; and I have failed to find very much in 6*d.* margarine. I might say that in my own particular way, that I have sent out over and over again for margarine to different shops, where I have had my suspicions about their selling margarine, and my suspicions have been verified that a large quantity of margarine is being sold by some people; I will not say that there are many.

Sir *Mark Stewart.*

6930. Instead of butter?—Instead of butter.

Colonel *Bagot.*

6931. What is the highest price of margarine?—I should not think that there would be any that would cost much above 60*s.* at the present moment.

6932. How much would it be per lb.?—Eightpence a lb., I presume, would be about the top price of margarine now.

Sir *Mark Stewart.*

6933. Wholesale?—Retail.

Colonel *Bagot.*

6934. That, you think, would have about 40 per cent. of margarine in it?—I should query that very much.

6935. Thirty per cent.?—I should not think so. Of course, as I said, the lowest price margarine would have but little butter in it

6936. However, you think that 20 per cent. is about the right thing to allow?—I would not wish to go beyond that. Seeing that I go in for the sale of margarine I would allow a maximum of not above 20 per cent. I might say that only last week I tried in an amateur way, but from a recipe or suggestion that I saw in the paper some years ago, some 8*d.* margarine and some colonial butter, and I could see but very little butter in the 8*d.* margarine. As to the colonial butter there was no doubt which it was.

6937. Which did you think the best?—The colonial butter, of course, was the best in every respect.

6938. At what price?—It cost 74*s.*

6939. What did it cost per lb.?—Eightpence a lb. as near as possible.

6940. The colonial butter?—Yes.

6941. Then the butter and the margarine were about the same price?—One was retail and the other was cost price wholesale, so that there would be a difference of course. I might say that this method of finding out for my own information whether an article is margarine or butter has never failed.

Sir *Mark Stewart.*

6942. Which is there the most demand for amongst the poorer classes?—It depends upon the district entirely. I was speaking to our secretary the other day, and he said, "If I were to try to live upon the margarine which I sell here I should soon starve"; but when he was living with his father in another district, plenty of margarine was sold; it was a different locality with poorer people, and, of course, there there is a demand for margarine.

6943. But would the poorer classes be more inclined to buy margarine than butter?—Unless they could get butter at the same price and of the same quality.

6944. They would naturally prefer the butter, would they not?—They would prefer the butter then.

Colonel *Bagot.*

6945. But I understood you to say that the colonial butter was at the same price practically, or very nearly, and was very much better?—No, I think you misunderstood me; I said that the highest

Colonel *Bagot*—continued.

highest price margarine at the present moment was retailed at 8*d.* per lb.; the Colonial butter that I was speaking of just now cost 8*d.* per lb.

6946. Wholesale?—Yes.

6947. That would be about 10*d.* a lb.?—Yes.

6948. Then that was not quite a fair test, was it?—I was only speaking of it with reference to seeing which was margarine and which was butter.

Sir *Mark Stewart.*

6949. But would poor people be inclined to buy 8*d.* a lb. margarine in preference to 10*d.* a lb. butter?—Where their necessities compel them to do so; but I daresay you know what the necessities of the poor are to-day.

6950. They would not prefer to buy it from the taste; they would prefer the butter if they could get it, would they not?—They would prefer the butter if they could get it, certainly; and I think the low price of colonial butter now coming in will soon push the margarine very close.

Mr. ADAM MORTON DUNLOP, called in; and Examined.

Sir *Mark Stewart.*

6951. YOU are, I believe, a grocer in Glasgow?—I am.

6952. How long have you had experience in the grocery trade?—I have been in business for myself for 27 years. I was in business before that, of course.

6953. What is your position in Glasgow?—Simply a retail grocer and provision merchant.

6954. Are you a parish councillor?—Yes.

6955. For nine years you have been on the parochial board of the Govan parish?—Yes.

6956. And you are president of the Glasgow South Eastern Grocers' and Provision Dealers' Association?—Yes.

6957. Will you tell the Committee what your view is in regard to the administration of the Acts in Scotland as compared with England?—I think they are much more fairly administered in Scotland than in England; they seem to act in a much more fair manner towards the retail trade in Scotland than they seem to do in England; that is to say, while they do everything they can to prevent fraud, and to detect fraud, they do not use the same harassing measures that they seem to do in England.

6958. You mean the local authorities?—I mean the local authorities.

6959. Do you consider there is much amendment and relief wanted?—Personally, while I have in every case tried to carry out the Margarine Act according to the present law, there is not a single hour of the day but I might be convicted under the Sale of Food and Drugs Act, and I think that all prosecutions should be taken under the Margarine Act only, and not under the Sale of Food and Drugs Act. For instance, in selling margarine I use this paper in every case (*describing*), and in selling butter I use this paper in every case (*handing in a paper marked "Margarine"*), and in selling butter I use this paper for every ounce (*handing in a paper marked "Pure Butter"*). You see the one is marked "margarine" only, and the other is marked "pure butter." It is a poor locality in which I have my shop, and there is a good proportion of margarine sold; but everyone asks for butter, whether it is at 5*d.*, 6*d.*, or 8*d.* a lb. They ask for butter, not margarine; so that under the Sale of Food and Drugs Act I could be convicted.

6960. Do they mean by that that they will take either?—No, they simply want margarine,

Sir *Mark Stewart*—continued.

but they do not ask for margarine; they know they are getting margarine; 5*d.*, 6*d.*, and 8*d.* is the common price for margarine just now, and there is some as low as 4*d.*

6961. The usage is that they never ask for margarine?—They never ask for margarine, and under the present law any shopkeeper could be convicted under the Sale of Food and Drugs Act for selling that which they do not ask for.

6962. I suppose you tell them it is margarine?—They all know it, and the paper indicates it, because they have a paper with either "butter" or "margarine" upon it.

6963. In regard to the Margarine Act, what is your experience of the mode of carrying it out; do you always mark your goods with those labels?—Yes; I believe that is generally carried out on that system. There are a few in each district that do not do so.

6964. Do you think there are many dishonest traders in Glasgow?—I do not think there are many; there are a few that give the character to the whole trade occasionally.

6965. And they would call the margarine butter?—They have various ways of doing it. I have heard one man offering a lump of margarine as a lump of "Irish," without using the word "butter."

6966. How would you punish those people?—I would punish them to the best of my ability.

6967. Would you impose larger penalties than the present Act authorises?—If it was a clear case of fraud, a grocer doing it deliberately, I do not think you could punish him too severely.

6968. Would you go so far as imprisonment?—I would be inclined to put it in the option of the sheriff or justice, whoever might try the case, because there would be cases where it would not be safe, I think, to say that the third or fourth time it should be imprisonment, inasmuch as there are technicalities, and in some cases there might be a bit of feeling on the part of the inspector towards the shopkeeper.

6969. Would you legislate in regard to packages in which the margarine is sold?—Yes. I think the greatest amount of fraud in connection with the sale of margarine arises from the separate packages. There is the cask made to represent Danish butter, which is filled with a blend; then there is the kit or the butt made to represent Irish; then there are lumps made to represent Irish lumps; and I think nearly all

Sir *Mark Stewart*—continued.

the evasions of the law come under one of those three forms. I have heard the evidence of Mr. Jennings, and I quite agree with his suggestion of a special kind of butt made to hold margarine which no butter makers would imitate for butter.

6970. Have you any specimen of the shape or size here?—No.

6971. Nor of the basket?—No. I should not allow them to be made in any of those three styles, because they would be made to represent standard butters.

6972. Then you would be inclined to make a special vat for holding margarine, and to enact that it should be sold in that vat?—I think the original style of margarine vats is quite sufficient; but I should have no objection to their being made in the style indicated by Mr. Jennings.

6973. The original style is in deal boxes marked "margarine," is it not?—I think he said oval-shaped vats, larger at the mouth than at the bottom.

6974. Is that the original shape, or is it somewhat modern; you cannot speak to that, perhaps?—No, I cannot.

6975. I thought it was a somewhat new shape?—I would leave that entirely to the Committee, providing you keep off those three styles that really represent butter, and are made to evade the law.

6976. You think that is the object?—I have no doubt of it.

6977. Do you approve of what has been said in regard to the invoice being the warranty?—Yes, that is the unanimous feeling of the trade of Glasgow, both wholesale and retail.

6978. Both with regard to foreign imports and everything that is manufactured at home?—Yes.

6979. That would be ample protection, you think, to the retail dealer?—Yes; I may state that I have never asked for a warranty all the time I have been in business. I always took the word of the gentleman I dealt with as being as good as a warranty.

6980. Have you had any trouble?—I never had any trouble.

6981. Why do you wish to have the law altered then?—Simply because I see that others have got into trouble with it.

6982. Do you argue from that, that you have always bought from more respectable firms than others have?—I have always met with respectable firms; I never met with any others.

6983. Have you known of many cases where the contrary has taken place?—Yes, there are many cases. There was a case of adulterated pepper in the "Grocer" of 18th April, 1891. I find two cases here, one against Patrick Connochie in Glasgow, and another against Robert McNair. I know both the gentlemen, gentlemen I know who would not sell an article for pure unless they really believed it to be pure. In Connochie's case this is the report: "The respondent said he sold the pepper in the condition in which he got it, and if it was adulterated it was adulterated by the wholesale merchant. (Sheriff *Guthrie*): Nobody suggests you doctored it, but you are bound to see that the pepper is not doctored before you sell it."

6984. It was the sheriff said that?—Yes. Mr. Connochie in reply said: "If you had summoned the wholesale merchant instead of me you would have taken a proper step." But Mr. John Lindsay, writer (that is, the writer for the prosecution), said: "That the respondent should have got a written guarantee from the wholesale merchant and protected himself. (The *Sheriff*): Does that apply to everything?—(Mr. *Lindsay*): To everything a grocer can sell. (The *Sheriff*): Why did the sanitary people light upon this small shop?—(Mr. *Lindsay*): We don't regard it as a small shop. It is a double-windowed shop, and the respondent carries on an extensive business in it. Then you have got to consider the district; it is a poor district, and being so, that is all the more reason why the people should be protected. The sheriff said he required to protect the public, but he would only impose a fine of 1*s.*, with 15*s.* costs." In another case there was a large fine.

6985. Then there was a case on the 5th of August 1893, Margaret Small's case?—Yes.

6986. Was that a similar case?—Yes.

6987. You have another case down here on your proof, on the 29th of October 1892, Whitelaw's case?—Yes; that is a case of tartaric acid adulterated with sulphates of lime and lead.

6988. What was the point there; was the retail dealer fined?—No, the charge was withdrawn in that case; he got a written warranty from the wholesale house in that case.

6989. And that protected him?—Yes; and on account of the written warranty having been got, the prosecution was withdrawn. It is almost impossible for the retail trader to get a written warranty in every case in Glasgow. Possibly with a very large number of these shops they get a matter of four or seven pounds at a time from the wholesale grocer, and they are meeting that wholesale grocer week after week, and to ask for a warranty looks like doubting his word, and those who try to get one have great difficulty in getting it.

6990. So that if the invoice carried the warranty that would be ample security?—Yes, fully.

6991. To the retailer, and also to the public?—Yes; no wholesale house would put on an invoice anything which would incriminate themselves; so, of course, they would see that the article was pure before they sent it out.

6992. What do you say as to costs when it is found that the shopkeepers are not responsible?—It is a very hard case for a shopkeeper to be pulled up, and if his case has been dismissed as "not guilty," that he should be required to pay all the costs. I know a case where the costs amounted to over 200*l.*

6993. Was the shopkeeper found not guilty?—Yes; it was a case of tinned peas.

6994. Has not the payment of costs to be decided by the sheriff?—No, I do not think they have power to impose costs.

6995. Each side pays its own costs?—Yes, and it comes very hard upon a shopkeeper in that case, when a man is not guilty.

6996. Is that the case on a local authority's prosecution?—Yes, so far as Glasgow is concerned, at least.

6997. Has that ever been appealed against, has

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has any case on the point been taken up to the higher court?—The tinned peas case was taken up to the higher court and decided in favour of the merchant, and yet he was not allowed costs. I think I have the case here, Mr. McKay's case.

6998. My question was: Were the costs made a specific question when it went to the higher court?—No, I do not think it has ever been.

6999. Then, that particular point with regard to costs has never been specially tried?—I think there is no doubt about that.

7000. It never has?—I think there is no doubt about it being the law that the costs could have been allowed.

7001. Is this the case, McKay's case, page 84 of the "Grocer," 9th January 1892?—Yes, in giving judgment Sheriff Birnie said, "I therefore assoilzie the respondent. I am sorry I cannot give expenses, but I would have given them if I had had power."

7002. Although the respondent won the case?—Yes.

7003. Have you any other cases upon that point?—Yes, there is another case reported in the "Grocer" of 25th February 1893.

7004. Is that McLaughlan's case?—Yes.

7005. On the same point?—Yes. "Mr. McDowell" (the writer) "said that it was very unfortunate that a man in the circumstances of his client should have to fight such a case. He thought that the authorities might have selected a wealthier man. His Lordship said he had nothing to do with that."

7006. With regard to coffee and chicory mixtures, do you hold the same views with regard to coffee and chicory as you do with regard to margarine?—For coffee and chicory I think the present law is quite adequate, that every mixture should be sold as a mixture, and pure coffee as pure coffee.

7007. What is your opinion about the proposal to put the percentage of chicory on the package; that it is impracticable?—That is my opinion.

7008. What are your reasons for saying that?—In the majority of cases of small shops particularly you may buy so many pounds of coffee and so many pounds of chicory, and these are simply mixed on a sheet of paper on the counter by an assistant and put into a canister; and it is not possible to get two ounces of the same character out of the canister for analysis.

7009. Then you think the label on the package sold would be quite sufficient notice to the retailer?—Yes.

7010. Have you any other points to bring before the Committee?—About the colouring of margarine. I would be inclined to allow that to be done.

7011. We should be glad to hear what you have to say about it?—I think everyone should

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be allowed to colour it in the manner most suitable to the district in which the margarine is sold.

7012. It would never be coloured anything except to resemble butter, would it?—No, but there are certain districts where they take a high-coloured butter, and other districts where they sell pale-coloured butter.

7013. And you would colour it accordingly?—Just as the parties taking it would like it.

7014. Do you think that that would interfere with the sale of genuine butter?—Not in the least.

7015. If the people all asked for margarine?—Yes, they would get it.

7016. You said they all asked for butter?—Yes.

7017. Then, if you sell them margarine coloured precisely the same as butter is coloured, would not that be giving an inducement to an unscrupulous tradesman to sell margarine instead of butter?—If they carry out the law as it stands at present, when every bit of butter has to be labelled, it is quite easy for an inspector to ask for a piece "from that quantity there" or "from that quality there," and if it is without a label, to punish them for not having a label on it.

7018. You do not think the colouring would induce fraud?—Decidedly not. If you coloured it to such an extent that nobody would discourage fraud.

7019. But if pale butter is sold in one district and a very deep yellow butter in another district, and you colour margarine accordingly, is not that a premium upon fraud?—No.

7020. That is to say, would not the retailer be very much inclined, supposing he wanted to cheat the public, to sell the margarine as butter, because it is precisely the same article to look at?—No.

7021. Are you not afraid that by colouring margarine precisely in the same way as butter is produced, fraud is very liable to ensue?—You cannot make the law perfect in every case so far as that is concerned. You cannot make it in such a way that you will not be able to allow fraud to a certain extent by a dishonest party, he will find that there is a means of doing it; but you must not make margarine of such a colour as to put it out of the market altogether.

7022. Because you maintain that the people like it?—Decidedly.

7023. And I suppose that is the fact?—Yes.

7024. And they are quite willing to take it, although they know it is not butter?—They know it is margarine.

7025. But they ask for butter, and they willingly buy it?—Yes.

7026. And they would not like it if it was coloured another colour?—No, they would not take either butter or margarine if it was discoloured.

Mr. Arthur John Giles, called in; and Examined.

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7027. You have had 16 years' experience in the grocery, provision, and oil and colour trades as a trade journalist?—Yes.

7028. You are the Secretary of the Federation of Grocers' Associations of the United Kingdom, which represents 50 associations and about 11,000 shops?—Yes.

7029. You are also founder and secretary of the Metropolitan Grocers and Provision Dealers' Association, which represents nearly 1,000 shops in the metropolitan area?—Yes.

7030. You come on behalf of the Federation which in November 1891 brought forward proposals for the amendment of the Sale of Food and Drugs Act?—Yes.

7031. These proposals have been on four different occasions laid before the heads of the Local Government Board by deputations?—Yes.

7032. When that was done there was a memorial submitted to the Local Government Board, was there not?—Yes, that memorial (*handing in the same*).

7033. Perhaps you will just give us the points of it?—The amendments of the Sale of Food and Drugs Acts which we are desirous of securing are as follows:—(1) In Section 25 of the Act of 1875, to define clearly what is a warranty, and to provide that an invoice be a sufficient warranty. As you are aware, as the law stands at present, a warranty must be an express written warranty, intended to be given as such. This operates harshly, and the retail trade hold that if they purchase articles from dealers they ought to be entitled to assume that they are what they purport to be as described on the invoice. This principle has been adopted in the Margarine Act, and ought, we consider, to apply to all other articles as well as butter, and is included in an amending Bill which has been introduced into the House of Commons by Sir Charles Cameron. (2) To provide for proceedings being taken against the person or firm giving a warranty where any such warranty is pleaded in defence to proceedings. If this were done, a person summoned for alleged adulteration, and intending to rely upon any invoice as a defence, would be able at the time the summons was made returnable to bring the dealer, manufacturer, or packer before the court, and the whole matter could then be dealt with; and when the person summoned had proved that he sold the article in the same condition as received, the question would be between the inspector and the dealer. (3) To make further provision for the taking of samples by inspectors from wholesale houses, manufacturers, and importers, as at present the inspector is, under the Sale of Food and Drugs Act, practically precluded from obtaining samples from dealers and others than retailers. This point is also raised in Sir Charles Cameron's Bill. (4) To provide some more satisfactory system of inspection that shall cause the law to be

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efficiently administered in all districts; also to provide a system of scientifically determined standards for the guidance of public analysts, traders, and others. (5) To amend Section 22 of the Act of 1875 by making it compulsory on the justices or the court, at the request of either party, to refer articles for analysis to the Somerset House authorities, which course is at present discretionary. (6) To provide that the use of the word "margarine" be a sufficient protection against conviction for the sale of butter mixtures, or to provide that all prosecutions for the sale of such mixtures be taken under the Margarine Act, and not under the Sale of Food and Drugs Acts. (7) To provide that where the sale of an adulterated article has been made by the fault or error of an assistant, there shall be power to bring him before the court as the actual offender, the employer in such cases to be acquitted on proof that the sale was made without his knowledge or connivance. This principle is contained in the Margarine Act. (8) To provide for the amendment of Section 10 of the Act of 1878 so that a proper limit shall be made as to the time when summonses shall be returnable for all articles, besides merely perishable goods, as now provided.

7034. What was done in regard to that memorial?—It was presented to the President of the Local Government Board, and some of the points in that memorial were included in a Bill that was introduced into Parliament by Sir Charles Cameron.

7035. When was that Bill introduced?—In 1893. Sir Charles Cameron was, I believe, the first to suggest the appointment of this Select Committee by Parliament. That Bill was supported in Parliament by the Grocers' Federation through Mr. F. C. Frye, M.P., one of the trustees of the Federation.

7036. What do the retail traders say with regard to those proposals?—The retail traders are desirous of having the present Acts amended, because in their administration those Acts are found to press unfairly upon the retailers. The Select Committee which was appointed in 1874 to inquire into the operation of the Adulteration of Food Act, 1872, reported that that Act "has done much good. It has at the same time inflicted considerable injury and imposed heavy and undeserved penalties upon some respectable tradesmen. This appears to have been owing mainly to the want of a clear understanding as to what does and what does not constitute adulteration, and in some cases to the conflicting decisions and inexperience of the analysts. Your Committee are, however, of opinion that the Act itself is defective and needs amendment." In my opinion, that statement of the Committee of 1874 summarises the position of matters in 1895, with the additional statement that the conflicting decisions of magistrates also point to the need for amendment or for some codification of the several

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several statutes in which the view on adulteration is contained.

7037. Then you give a list of the Statutes?—Yes. The Statutes are as follows:—(1.) 5 Geo. I., c. 11, s. 23; (2.) 11 Geo. I., c 30, ss. 5, 9, 39; (3.) 4 Geo. II., c. 14, ss. 10, 11; (4.) 17 Geo. III., c. 29, ss. 1, 2, 3, 4, 5, 6, 9; the above refer to coffee and tea. (5.) 6 and 7 Will. IV., c. 37, bread; (6.) 32 & 33 Vict. c. 112, seeds; (7.) 38 & 39 Vict. c. 63, food and drugs; (8.) 42 & 43 Vict. c. 30, food and drugs; (9.) 50 & 51 Vict. c. 29, margarine; (10.) 56 & 57 Vict. c. 56, fertilizers and feeding stuffs.

7038. What are the three general statutes in operation now?—They are the three numbered (7) (8) and (9) in that list; namely, the Sale of Food and Drugs Act, 1875; Sale of Food and Drugs Act, 1879; and the Margarine Act, 1887.

7039. With reference to the Sale of Food and Drugs Act, 1875 (No. 7), have you anything to say upon that?—I propose to deal with that Act by sections. Section 3, for example, deals with the mixing of injurious ingredients. Under this section one of the principal matters dealt with has been the sale of preserved peas, which have been artificially coloured with sulphate of copper. Since 1875 there have been several cases of this kind, and the decisions have been of a conflicting character, owing to the varying opinions given by analytical and other witnesses as to the injuriousness or otherwise of the colouring matter.

7040. That is poison, is it not?—There is a conflict of opinion upon that point. A case that I am about to mention has been very carefully fought out recently as well as several times before, the case of Parfitt *v.* Shirley. In that case, the defendant, a highly respectable grocer in Bristol, was summoned under this section with selling pickled green peas containing, according to the analyst's certificate, 0·205 grains of copper, equivalent to 0·82 grains of sulphate of copper, whilst a second charge was made, under Section 6 of the Act, for selling adulterated peas, although afterwards the second charge was abandoned. The case went through three hearings, Drs. Paul and Douglas, analysts from London and Glasgow, were called for the defence, and the local public analyst, and Dr. Stevenson, of London, for the prosecution. In the end the justices dismissed the case, stating, "We are not of opinion that it has been proved that the particular sample of peas in question has been so coloured as to be injurious to health." An application for costs to the defendant was met with the statement, by the chairman of the magistrates, "We shall not allow you anything, because we think it a very fair case for investigation." The cost of the case to the defendant was over 100*l.*, though the same question had been tried in Glasgow (as mentioned by the last witness), and the colouring was held to be innocuous; and that was put before the Bristol magistrates.

7041. Do you agree with the former witness that each party has to pay his own costs?—No; I hold that costs should follow the event.

7042. But do you agree that the present law is wrong; does the present law in England necessitate that both parties pay their own costs whatever the verdict is?—No; the present law in England is that the magistrates have discretionary power in granting costs; but in the High Court, in the Queen's Bench, the Judges have no power to grant costs to defendants in case of appeal there when the respondent does not enter an appearance; and the only way in which costs can be given to the defendant is, as I believe was done in a case which I can quote where the Queen's Bench held that the defendant deserved his costs, but that they could not give them to him (that was in the case of Otter *v.* Edgeley), so the case was remitted back to the magistrates upon one count, and also with the suggestion that the magistrates might consider the desirability of giving the defendant his costs, because the Queen's Bench had no power to do it themselves.

7043. Did the Queen's Bench make out that the magistrates could give the costs incurred in the Queen's Bench after it left their Court?—No. The case is rather an important one. I will give you an exact quotation of the statement concerning it. In the case of Otter *v.* Edgeley, Justice Mathew, in giving a decision upon the subject of costs, said:—"Upon an appeal on a case stated to the Court of Queen's Bench the Court cannot grant costs to the appellant, although he may succeed in his appeal, if the respondent has not appeared upon the appeal. The proper course in such a case appears to be to apply to the Court to remit the case to the magistrates, who then might not only remit the appellant's costs of the conviction, but also make the prosecutor pay the appellant's costs of the proceedings before them."

7044. That is rather a roundabout way to get it?—Many legal matters seem that.

7045. What is your suggestion there; would you propose an alteration of the law in that respect?—Under Section 23 I suggest that the power of the Court of Quarter Sessions to give costs in the case of a successful appeal should be extended to the Queen's Bench and the higher courts.

7046. What is the reference to that case of Otter *v.* Edgeley?—I have quoted it there with reference to costs.

7047. Where is the case to be found?—I am quoting from a book upon the Acts; but in 57, Justice of the Peace, page 457, that report is to be found.

7048. Then we take up another point now; there was a similar case raised, was there not, in a summons against Messrs Kearley?—Yes; that was a very few weeks after; two or three weeks after. That case was fought in Bristol.

7049. Under the same section?—Under the same section. A summons was issued against Messrs. Kearley and Tonge, and they were convicted by the Edmonton Justices for selling these pickled green-peas, the justices there holding that the colouring matter was injurious to health, even though precisely the same evidence was put before the Edmonton Justices as was put before the Bristol Justices. Messrs. Kearley and Tonge have given notice of appeal, so I do not know how that matter will go; but the point I wanted to make there was that in Bristol the case has cost between 100*l.* and 300*l.* to the defendant,

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defendant, and yet within two or three weeks within the metropolitan area the same case was tried over again with a different result, even though the same evidence was put before the justices.

7050. But how do you account for that; do justices differ like doctors?—Yes, but unhappily the hardship comes in that if justices differ the retailer has to pay for the costs of the differing justices, and gets no redress.

7051. How do you propose to remedy that?—With reference to that, I propose that all these highly technical questions, such as what is injurious to health, where there is such wide dispute o opinion, should be referred to a committee of reference, which I describe subsequently towards the end of my statement.

7052. Then, in regard to baking powder, have you anything to say as to its not being an article of food?—It has been decided by Mr. Justice Hawkins that baking powder is not an article of food, and therefore does not come within the scope of this third section. But the point there is, again, that this question, whether the use of alum in baking powder is either an adulteration or is the use of an article which is injurious to food (we are dealing now with Section 3) has been tried, or rather, early in November 1893, the question was fought out under Section 3, when it was suggested that the use of alum in baking powder was to render that baking powder injurious as a food. That was discussed, the case was fought, the magistrates convicted, but the Recorder of Cambridge, on appeal, quashed the conviction. So you see the point was raised, first of all, whether it was injurious; but even though the Recorder held that it was not, later on, I think in South Wales, an inspector summoned five grocers for selling baking powder containing alum. He took the summonses out in that case under Section 6; so that the grocers do not know quite where they are going to be attacked. First they tried them under Section 3, and then under Section 6, and penalties were inflicted; but an appeal was made, and Mr. Justice Hawkins, in one of those cases, decided that inasmuch as baking-powder was not an article of food the convictions must be quashed. But even there, again, the costs had to be borne by the defendants. In the Cambridge case the cost of defending it was some hundreds of pounds; and in the Glamorganshire case the costs were some hundreds of pounds, each time falling either upon the defendant or upon those at the back of him.

7053. What remedy would you propose?—Again I say that such a technical question should be referred to this board of reference, and that instead of the retailer or those at the back of the retailer having to pay the costs of settling what is the law or what is injurious to health, or some other question that may be raised under those Acts, this board of reference, under the authority of the Local Government Board, should themselves discuss (being practical men and experts) all these highly technical points; and having decided what was the reasonable fair interpretation, or a reasonable quantity, and as to what was injurious and what was

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not, then an announcement should be made publicly to the traders and all concerned.

7054. But you would not put that into an Act of Parliament?—The board of reference I would.

7055. But not the decision?—No; that is the point; I would take away all these technical things from the Acts and put them to the board of reference.

7056. What do you say about Section 6?—In connection with this, which is the principal section under which summonses are issued, the numerous decisions given upon the different portions of this section have made the legal meaning of the words tolerably clear; at the same time there is some vagueness, especially with reference to coffee and chicory mixtures under Sub-section 1 of this Section 6. The question of how much chicory it is fraudulent to mix with coffee has been raised over and over again. Nearly every bench of magistrates differs. Grocers do not know what would be considered a fraudulent mixture. The case of Otter *v.* Edgeley, which came before the Court of Queen's Bench, on appeal, in 1893, to some extent settled the point. In this case the inspector sent to the grocer for "French coffee," and he got a half-pound tin, which was labelled "a mixture of coffee and chicory." The analyst's certificate stated the percentages to be 60 per cent. chicory and 40 per cent. coffee. The magistrates held that the proportion of chicory was fraudulent, as the price approached that of pure coffee. The Court of Queen's Bench quashed the conviction, Mr. Justice Mathew stating that there was not the slightest shadow of a foundation for the conviction. That decision has to some extent controlled subsequent cases, though of course it does not cover every coffee mixture. Again, I would remind the Committee that the expense of getting an authoritative decision falls upon the retailer. As an illustration of the confusion which exists I may quote the case of Thomas *v.* Jones, which was heard in 1892, in London. That was a case in which a mixture of 60 per cent. of chicory and 40 per cent. of coffee was sold at 1*s.* per lb. The Southwark magistrates convicted and imposed a penalty of 3*l.* and costs. The case was heard on appeal at the Surrey Quarter Sessions, when the judge dismissed the appeal with costs. In 1893 a case was heard against another grocer at Westminster for selling a precisely similar coffee mixture at the same price. Again the magistrate convicted and inflicted a penalty of 7*l.* 7*s.*, including costs, although the case of Otter *v.* Edgeley was pointed out to him. There was an appeal against this decision to a judge at the Clerkenwell Sessions; and, by a coincidence, the judge at the Clerkenwell Sessions was the judge who had heard the appeal at the Surrey Sessions. He at once quashed the conviction, holding that the case of Otter *v.* Edgeley covered it: so that within 12 months he had actually contradicted his own decision as to what was a fraudulent admixture of coffee and chicory. The cases in both of those appeals were conducted by the Metropolitan Grocers and Provision Dealers' Association, and the costs of both those appeals had

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had to be borne by that association to the tune of nearly 150*l.*

7057. Are you opposed to the proposal of fixing a standard of such mixtures by statute?—I am, because I consider them quite unworkable.

7058. Your suggestion is to appoint a committee of reference?—A committee of reference, if there is to be any standard.

7059. In regard to coffee and chicory, is there not great variation in the values of the coffee used?—There is very great variation.

7060. So that a small proportion of very high-class coffee mixed with a large proportion of fine chicory would produce a more valuable mixture than a large proportion of low grade coffee with a small proportion of common chicory?—That is so.

7061. But, of course, the business of the retailer is to supply what the customer really wants and asks for?—Exactly.

7062. What do you say about standards for mixtures?—In many cases I have noticed that the witnesses in suggesting that standards should be fixed for certain mixtures have referred to the present law, the law of 1879, as it relates to the admixture of water with spirits; and it has been suggested that it is just as easy to label a mixture of coffee and chicory with the proportion as it is to label a bottle of spirits that is more than 25 or 30 degrees under proof. But I would point out that in the case of those spirits where they are labelled the spirits are sold in sealed bottles, the admixture of water has been done by the bottler, who has all sorts of excellent appliances for doing it, and could perhaps more accurately determine it than a grocer grinding up his coffee and chicory, and selling it loose to his customers.

7063. Then all that you think should be decided by a board of reference?—Yes; I think, at any rate, it should be submitted to them.

7064. With regard to the adulteration of butter, what have you got to say about that, according to the Margarine Act of 1887?—With regard to that, the practice of many inspectors is to take out summonses, under the 6th section of the Sale of Food and Drugs Act, for the sale of adulterated butter; but according to the Margarine Act of 1887 there is no such thing as adulterated butter; according to that Act what is not butter is margarine; all summonses for the sale of adulterated butter are summonses for the sale of margarine, and therefore such summonses should be taken out under the Margarine Act.

7065. You would have to amend the Margarine Act to apply to butter, would you not?—No, not to apply to butter. Whatever is not butter is margarine.

7066. But ought not you to specify the distinction more clearly?—What distinction?

7067. The distinction between adulterated butter and good butter, and the distinction between margarine?—But if I might venture to say so, that arises somewhat from the confusion of terms which I have noticed in the Committee two or three times. There is no such thing as margarine, unless it happens to be adulterated butter. The word "margarine" does not re-

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present any specific article. It represents anything that is made in imitation of butter.

7068. But it must have a certain amount of butter attached to it in the manufacture?—That is aside from the law altogether. The law says that what is not butter is margarine.

7069. Would you not make it clearer?—If there is to be any amendment, I should very much like to see a little better definition of the word "margarine." The word "margarine" was a bad one at the beginning, and it has never been appropriate.

7070. What is your proposal for that?—I have not a proposal for altering the Margarine Act at the moment. If there is to be an alteration I would suggest that mixtures should be sold as mixtures and butter as butter, and that those mixtures that had a very small proportion of margarine in them should be sold as margarine; that there should be three terms instead of two; but I am afraid that would only be to make confusion worse confounded, because already there is a considerable difficulty in the minds of a large number of retail shopkeepers, who are not all thoroughly versed in the law, and who perhaps have not, all of them, the technical acquaintance with the law that larger traders have; the Margarine Act is somewhat confusing to them now, and it is still more confusing to them when they find that if they have complied with the Margarine Act by labelling their article margarine, and by handing it to the customer labelled "margarine," then they are summoned under the Sale of Food and Drugs Act for giving something "not of the nature, substance, and quality demanded by the purchaser." The small shopkeeper would certainly want to know why it is that after he had tried to comply with the law he is summoned under another law; and, therefore, we suggest, for that reason, to avoid confusion, that the Margarine Act should be the only Act under which summonses should be taken out for adulterated butter. There are two or three other points in that connection. There is the point that under Section 5 of the Margarine Act there is a provision that if an employer has done all in his power, and given his assistants all proper instructions to carry out the Margarine Act, if they fail to carry it out then the assistant is summoned and not the employer. And further again, the Margarine Act provides that a simple invoice is a warranty; the thing that we are urging in a later section. So that if a summons is taken out under the Sale of Food and Drugs Act, both those defences which the Legislature has thought fit to provide for the sale of margarine are taken away from him under the Sale of Food and Drugs Act.

7071. But you would not insist upon having three clauses, would you?—No, I would not insist upon it. If there is to be any amendment at all, I should suggest, as the most desirable thing, that butter mixtures, which are very high-class articles, and certainly considerably better than Cork thirds or Cork fourths, should be sold as butter mixtures.

7072. Would not that lead to confusion?—I

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do not think it could lead to much more confusion than already exists in the minds of many.

7073. With regard to the responsibility of employers, Section 5 of the Margarine Act, which provides that the employer, when he has done all in his power to ensure the Act being carried out, and his instructions are not obeyed by his employes, he shall be exempted from the penalty, and the offending employe shall be charged; that you approve of?—I do; and I should suggest, while we are upon Section 6, that it would be an exceedingly desirable thing in amending the Sale of Food and Drugs Act, 1875, to include the same defences under the Sale of Food and Drugs Act as exist under the Margarine Act; that if the employer instructs his assistant to sell genuine pepper, and the assistant through carelessness, or indifference, or ignorance should sell something that was not genuine pepper, there the assistant should take his proper share of the responsibility.

7074. In regard to Section 8, which provides for notice being given by label, what have you got to say?—With reference to that notice by label, a great deal of confusion has arisen, and very much hardship has been inflicted upon retailers. Justices have frequently blamed shopkeepers for not giving a verbal as well as a printed notice, though the Committee in 1874 in their Report said that "a verbal declaration at the time of sale is impracticable, and if practicable would be unnecessary when a proper label is used." I have quite a number of cases of hardship, that I can submit to the Committee should they so desire.

7075. Will you give us one case?—In the case of Jones *v.* Davies. The label referred to skimmed milk. It was upon the tin, and this is a specimen (*handing in a label*) of the notice upon the tin; I am not quite certain that that is the identical brand, but, at any rate, the label is the same. In that case the inspector purchased it with this notice upon the tin, and he complained that his attention was not called to the notice upon the tin; he further complained that the notice was not a sufficient notice: and he therefore pressed it as the sale of an article without a sufficient notice upon it. The case was fought through some considerable hearing; and eventually to contest this very label it cost the manufacturer something like 1,500*l.* to fight the case right through. However, at the conclusion, when the case came before the late Lord Chief Justice, in connection with these labels, he said that the notice was as plain as a pikestaff, and although the inspector complained that the tin with the label on it like this had been wrapped in a piece of newspaper for the convenience of the inspector to carry home, and further complained that was a covering up of the notice, a non-exhibition of the notice, the late Lord Chief Justice said at the time that the inspector should not wrap himself in his own ignorance, but should use all due and proper diligence to see where the label was.

Mr. *Frye.*

7076. But all these tins with the notice on are wrapped up in another paper, are they not?—

Mr. Frye—continued.

Yes, to preserve the label most frequently; but of course it is removed, and before anybody can open the tin to use the contents he must come to the label; so that the purchaser is in no way prejudiced, but the fullest information is given to him.

Sir *Mark Stewart.*

7077. Then you have other cases, I think?—Yes, I have a list of cases on this point. They are as follows:—Jones *v.* Davies, Jones *v.* Jones, Punter *v.* Spence, Rochester Police *v.* Reader, Storey *v.* Lancaster, White *v.* Morris, Punter *v.* Thornton, and Batey *v.* Jarrow Co-operative Society.

7078. What is your proposed remedy there?—All we want there (and I think if this board of reference were in existence this matter could be referred to it) is to let it be clearly understood, amongst inspectors and all persons responsible for the administration of this Act, that this Act provides that the label is a sufficient notice.

7079. You propose to put that into the Act?—The Act provides that now. All that is wanted is that the inspectors should through my proposed board of reference be made to understand it, and not be taking a number of prosecutions when they might, if they thought for a moment, understand that there is a label; that they must look for the label and use due diligence to see the notice, and that then they must themselves refrain from prosecuting the retailer.

7080. Now, coming to Section 9, what have you to say?—This is a section which deals with abstraction, but this section provides that notice of such may be given. There was some difficulty in getting a definite decision even upon that point. The Recorder of the Middlesex Sessions, in connection with such a label as this condensed milk label, said that he thought the label notice provided in Section 8 was not a label notice that was a good and sufficient notice under Section 9; however, ultimately, when the matter was brought to a higher court, the Recorder's decision was quashed, and it was held that the label notice in Section 8 was sufficient notice to be given under Section 9. I want to point out that this section provides amply for dealing with any such articles as exhausted ginger, spent carraway seeds, and any of those articles the natural condition of which had been interfered with and abstracted, and that there is no need for fresh legislation on the subject, as has been, I believe, suggested by some witnesses.

7081. You would not propose any alteration in regard to that?—No.

Mr. *Frye.*

7082. But the poor retailer has very often to bear the brunt of prosecution for selling these articles, such as ground ginger, spent carraway seeds, skimmed milk, and the like. How do you propose to deal with that?—I propose to deal with that later on by making every invoice an implied warranty, so that if I buy a parcel of ginger from any person, and he gives me an invoice that he has sold me 20 lbs. of ginger, it shall thereupon be in my power to produce that invoice as a proof that I had bought that ginger

as

Mr. *Frye*—continued.

as genuine; I must prove to the justice that I sold it as I received it, and if I did that, then that I should be released from responsibility.

7083. How would you deal with this question; I understand there is a large firm of butter merchants who, although they sell no margarine at all, send out an invoice with every parcel of butter, whether it is pure or whether it is margarine, which invoice is marked "margarine"?—I know of one such case in which the wholesale house does not send an invoice; it appears to be one of the grievances that they do not send out an invoice; but they send out their carmen who take their goods, and the carman having a delivery book tears out of it the usual delivery note, and upon that note is printed the word "margarine." I understand that formerly they had two delivery books, one with "butter," and one with "margarine"; but by degrees the butter book got dropped, and eventually the margarine book was the only one that was used. If the shopkeeper complained that he was having Bretel Freres' or Lepelletiere's, or some other butter delivered to him upon this delivery note with the word "margarine" printed upon it, then the carman took a pencil out and ran the pencil simply through the word "margarine." If it came before the magistrate it would be open to the magistrate to say that there was no evidence to show that the word margarine was taken out by anybody in authority. Manifestly this must be for the protection of the wholesale house in case of any accident, to prevent the retailer coming back upon the wholesale house where he has bought what he supposed to be butter and found it to be margarine.

7084. Is not that a very unfortunate thing for the retailer, because he does not know whether to sell it as butter or not?—It is so, undoubtedly. I may say that the Metropolitan Grocers and Provision Dealers' Association have discussed the matter and sent a resolution to Messrs. Lovell and Christmas requesting them to discontinue the practice; and the association has again this week considered the matter, and as they find that the practice has not been discontinued, they propose, if necessary, to take some further steps to urge upon the firm to give up the practice.

Sir *Mark Stewart.*

7085. That is merely for the purpose of protecting themselves?—I should judge so.

7086. With regard to the qualification of analysts, what have you to say?—Section 10 is the section in which the words are contained that the analysts shall be "persons possessing competent knowledge, skill, and experience." Of course, I am only a layman, but I would respectfully suggest that those words should be more literally construed by the Local Government Board, inasmuch as where there is an incompetent analyst much injustice is inflicted upon the retailer. I would just quote one case, with your permission.

7087. I am afraid there are a good many more than one case?—Precisely; but I thought this

Sir *Mark Stewart*—continued.

case ought to come before you. At the Luton Borough Sessions on the 20th of January, 1894, a woman was summoned for selling butter alleged to be adulterated with 15 per cent. of foreign fat. At the first hearing the solicitor, Mr. Beck, who appeared for the defendant, asked for a remand on the ground that the butter had been sent by the butter dealer to Mr. Otto Hehner for analysis, and the application was granted. Mr. Otto Hehner sent down a certificate which showed that the butter was pure. The matter was also referred to Somerset House. The local public analyst, Mr. De Hailes I think his name was, had certified that it contained 15 per cent. of foreign fat. The Somerset House authorities stated it was genuine butter, and Mr. Otto Hehner gave a certificate that it was absolutely genuine butter. The case was dismissed, and the corporation were ordered to pay 7*l.* and costs. There is a sequel to that case. The corporation were somewhat surprised to find such a mistake on the part of their public analyst, so they had some test samples made up of margarine and butter. I believe that one of those samples was sent to the local public analyst, and he, although the sample contained a considerable proportion of foreign fat, on that occasion gave a certificate of it as pure. The corporation gave the analyst his marching orders, and, I believe, they have now found another analyst. But as you say, there are a great many cases in which there are errors in matters of analysis, and I have a list of 200 cases here, in which within the last few years the summons was dismissed on a variety of grounds. I have given the grounds, the names of the cases, and the dates; and I find from these that about 10 per cent. of the 200 cases that I have here were dismissed on the ground of the analysts being wrong.

Mr. *Frye.*

7088. You will put that list in, I suppose?—Yes, I propose to put that list in. (*The same was handed in and is printed*). Of course in those cases it is clear that in nearly every case where the analyst was wrong the matter had been referred to the Somerset House authorities, and their certificate found to differ from that of the local public analyst. But there is this further point: that if in those cases which were fought the analyst was found to be wrong, it is a fair inference that there are many other cases which have not been fought where they might be equally wrong. Because I should like to point out, in passing, that in the majority of cases where there are dismissals, they have been either taken up by an association, or by a manufacturer, or by a wholesale dealer, or it has been a wealthy retailer who has been attacked. But in the great majority of cases of prosecutions they are against very small people, small shopkeepers who do not know much of the law, and have not much money with which to meet legal expenses, and who very frequently go into court and plead guilty for the sake of getting out of it; such a case happened in Hampshire before the Gosport Justices some time ago, in which a grocer was summoned for selling what the analyst called adulterated cocoa. The grocer pleaded guilty, but Admiral Field, M.P., who

Mr. *Frye*—continued.

happened to be on the bench at the time, claimed that he knew something of the constituents of cocoa, and he told the grocer that he was foolish to plead guilty; and the gallant Admiral took the part of the grocer, with the result that the case went through two or three hearings; the Hampshire County Council appealed against Admiral Field, and I believe the ratepayers of Hampshire had a pretty considerable bill to pay, because Admiral Field took it up. It is really with us a very serious point that small retail shopkeepers should be put in peril by an incompetent analyst. We do not say, of course, that they are all incompetent by any means.

7089. While you are on that, I take it that the retail trade are perfectly satisfied with what has been done at Somerset House?—Perfectly satisfied. I might, perhaps, say while I am on that point the reason why they are so satisfied with Somerset House.

Sir *Mark Stewart.*

7090. Would you say what has been done at Somerset House?—With regard to that, I would say that in cases which have been referred to Somerset House, such cases as vinegar and lard, and even some cases of spent ginger, where the local analyst has said there has been adulteration, and the matter has been referred to Somerset House, the Somerset House authorities appear to have taken into consideration a number of other things than those taken into consideration by the public analysts. For example, in the matter of vinegar, some of the analysts it appears have a certain test for vinegar, which they had understood was the right test for ascertaining the genuineness of vinegar. On one case coming up it appeared that the basis of their analysis of this vinegar was wrong, because the manufacturers of vinegar had altered their processes, for the purpose of improving the keeping quality of the vinegar. The analyst in question did not know of the altered process of manufacture and so he determined that that was a sample of adulterated vinegar. Upon the thing being referred to Somerset House, I understand that Somerset House was aware of the different processes employed by the manufacturers, and, being so aware of them, was not likely to make the same mistake in their analysis as those who had adopted the older system. And I understand that Somerset House proceeds upon those lines generally; that is to say, that they take into account all sorts of changes in manufacturing processes which are not taken into account by analysts often; and they also take into account a variety of other conditions.

7091. What is your proposal on that point; to have a reference to Somerset House?—Certainly.

7092. Which you have at present?—Yes, at present, certainly.

7093. Would you give an appeal to Somerset House?—Always. In fact, instead of the magistrates having a discretionary power as to whether they shall send samples to Somerset House, I should suggest an alteration of the law so that it should be imperative upon them to do so.

7094. With regard to Section 14, providing

Sir *Mark Stewart*—continued.

for the division of samples, what have you to say to that?—There I should suggest that the sample should be divided into four parts, and each package should be countersigned with a distinctive mark by the vendor. That is necessary to prevent any accidental, I do not say intentional, mixing up of samples by the inspector. If the inspector finds it necessary to put a distinctive mark upon his sample, the retailer should have an equal protection upon the sample which he hands to the inspector or which the inspector takes.

7095. So that the vendor should have two samples given to him?—Yes, two samples given to him.

7096. Then in regard to taking samples from wholesale dealers and manufacturers, what have you to say?—I should so amend that section as to provide for samples being taken from wholesale as well as from retail houses, as has been suggested in Sir Charles Cameron's Bill by Clause 1: "The provisions of the Sale of Food and Drugs Act, 1875, and of any Act amending the same, shall apply to and include every wholesale trader or manufacturer of any article of food or drug who shall sell to the prejudice of the purchaser any article of food or drug which is not of the nature, substance, and quality of the article demanded by such purchaser; and the 17th section of the said Act shall be read as if the words 'whether by wholesale or' were inserted between the words 'on sale' and the words 'by retail' in the said section."

7097. So that the whole of the provisions of that Act should apply equally to wholesale manufacturers and traders as to retail traders?—Yes, the section should also be enlarged to empower the officers under this Act to enter public or private sale-rooms, warehouses, stores, quays, or other places where food, drink, or drugs are stored on sale, and to search for such articles if there be reasonable suspicion of the presence of adulterated goods, such powers to be duly limited to prevent improper harassing in any case. This section should also provide for the examination by the customs authorities of imported goods. I should like to add on that point with reference to examination by the Customs authorities, that I have noticed that one or two witnesses have suggested that this examination by the Customs would be very easy, and that it could be done as easily as in the case of tea. I venture to think that the reason why they refer to tea is this: it must be borne in mind that tea is a dutiable article, also that it is frequently opened for the purpose of sampling under bond, and that the bulking of tea leads to the chests being opened; so that there it is comparatively easy for the Customs officers to examine tea, and much easier than it would be for them to examine butter or preserved foods of any description that come in.

Mr. *Frye.*

7098. But they all have to go through the Customs?—They all have to go through the Customs; but it would be much easier examining tea, because the tea packages are more frequently opened for a variety of purposes.

7099. In fact, every package is opened for sampling?—Yes, of tea.

7100. With

Sir *Mark Stewart.*

7100. With regard to Section 20, on the time within which summonses are returnable, what have you to say?—I suggest that the provisions of Section 10 of the 1879 Act, referring to the time within which the summons served should be made returnable in the case of perishable articles, should be incorporated in this section, and should be made applicable to all samples other than merely perishable goods, the difficulty being that very frequently in cases other than those of perishable goods a sample is taken, and frequently the retailer hears nothing about the case again for perhaps from two to three months, and then after that lapse of time a good deal of the history of the sample has been forgotten; whereas there is no reason in the world, I take it, why any summons should not be made returnable, say within 28 days. It is no more difficult to analyse pepper or ginger than it is to analyse butter, and if is is necessary to make a summons returnable within 28 days for butter, it is comparatively easy to make a summons returnable within a similar time for any of those other articles.

Mr. *Frye.*

7101. And the retailer has more difficulty in proving his case than he would have if the time were shorter?—Yes.

Sir *Mark Stewart.*

7102. Then in regard to the analyst's certificate, what have you to say?—I would suggest under Section 21 that just as the public analyst's certificate is accepted as *primâ facie* evidence, so the certificate, properly confirmed, of an analyst which has been obtained by the defendant as rebutting evidence, should be accepted without the appearance of such analyst in court, unless the prosecution should require such analyst to be called, the idea there being to simplify matters by comparison with the present arrangement. At the present time if I sell an article and the local public analyst says that it is adulterated, and later I get a certificate from another analyst, I have to go to the expense of bringing my analyst into court, and he has to give his evidence and submit to cross-examination, whereas the public analyst only comes when summoned.

7103. And in regard to the reference to Somerset House, you would make that compulsory?—Yes.

7104. Then on Section 23, in regard to the costs of appeal, have you anything further to say?—I think I have dealt with that earlier. Under Section 25, if I might just point to that, we urge that the amendment proposed by Sir Charles Cameron in his amending Bill as to the warranty, should be incorporated in any new Act. That amendment simply provides that the invoice shall be a warranty; I mean to say an implied warranty, as well as a written warranty. At the present time, as you may know, it is the practice of many houses to invoice butter, such as, say, Dutch, or B. F., or something of that kind, or Irish, or Crocks, without stating whether it is butter. Now, if Sir Charles Cameron's clause were incorporated, then if they put merely Dutch upon the invoice, or crystals, or B.F., or whatever they might put, that would be by implication a guarantee of the genuineness. If it was not

Sir *Mark Stewart*—continued.

genuine, then the wholesale dealer would have to do exactly as the retail dealer has now to do. If the retail dealer sells the article, unless he describes it by label as a mixture, he is held to have given a warranty that it is genuine.

7105. What is "B.F."?—It stands for Bretel Frères, the name of the French shippers.

7106. And what are "crystals"?—"Crystals" is the term for one variety of sugar.

7107. Then we come to the Margarine Act; I think you have some suggestions to place before us with respect to that?—On that I ought to say, that whereas, hitherto, I have been expressing the unanimous view of the members of the Federation, I believe, on the Margarine Act there is a diversity of opinion in the Federation, but the Metropolitan Grocers and Provision Dealers' Association, of which I am secretary, is unanimous in its expression of opinion that the Act, if properly enforced, is sufficient for the prevention of fraud, so far as it is possible to prevent fraud by Act of Parliament. I have had experience in enforcing the Act in my capacity as secretary to the Metropolitan Grocers' and Provision Dealers' Association, and I put in here a list of 16 prosecutions by my association, extracted from the Annual Reports (*see* Appendix) out of which we have obtained 14 convictions. Not to go through them all, but only to take two typical cases, one was a case in which a man we found was selling margarine for butter. We prosecuted him, and he was convicted; we found him again in another district doing the same thing; we prosecuted him again and he was convicted; we found him in another place doing the same thing; we prosecuted him and he was convicted, with a yet heavier penalty, and eventually we got up to a penalty of 18*l.*; and after following him from point to point we got this man, who was a pretty notorious offender, so heavily punished that he quitted the business. And we think if that could be done in one case, it could be done by the local authorities if they are anxious to stamp out the dishonest sale of margarine.

7108. Without increasing the penalty?—Without increasing the penalty.

7109. That goes up to 100*l.*, I think?—It does. I may say that the Metropolitan Grocers and Provision Dealers' Association have appealed to every one of the 38 local authorities in London to assist them in carrying out the Act; we have written to them and offered to give them the names of notorious offenders within their districts, and to give them our assistance in carrying out the Act; but in every case the local authorities have replied that they were carrying out the Act, and that they could go no further. We have, in the case of one local authority at least, given them notice that within 100 yards of the vestry hall there was a man who had been systematically offending against the Margarine Act. We gave them his name and address; I gave it to the vestry clerk personally. He then wrote and told us that they had several times taken samples and found them to be genuine. Upon hearing that I sent again, and took samples, and I found again that the man was selling margarine for butter; I found he was selling at 1*s.* 2*d.* for

Sir *Mark Stewart*—continued.

butter what was magarine; and yet the vestry declined to take any action. We sent to that man on one occasion, and he assaulted our inspector and kicked him into the street and gave him a black eye, and we brought him before the magistrates, with the result that he was fined 1*l.* and costs. But, inasmuch as it costs the Metropolitan Grocers and Provision Dealers' Association from 5*l.* to 6*l.* for each prosecution that we undertake, we have been very loth to undertake them, because it looks like one tradesman harassing another, and that we are greatly opposed to. The great difficulty with us, however, is that the honest man who tries to do his business properly is handicapped, and the dishonest man escapes. There was a witness who was to have come up here, Mr. John Sainsbury, but has been unable to do so through sick health. Some time ago I got from him two blocks to show the Committee the way in which he endeavours to carry out the Act honestly. That block, as you see, is the pure-butter block, and that block is the margarine block (*handing in two models*); the outside is to the customer. In this case this man has a number of shops in London and the suburbs. He has done all he can to get the Act carried out in his own shops; this (*producing a model*) shews the exact size of the block as it appears to the customer, with those words above on it. The inspector came into his shop, walked up to the counter with this block labelled "margarine" upon it, and said, "I want half-a-pound of butter." The man at the block pointed out that he had no right to expect butter at the margarine block. However, he persisted in his demand, and the man told him if he wanted butter he must go to the other block. He went to that block and then went away. A few days afterwards the same inspector came again and went again to that same margarine block and asked for the same article. The manager was then so incensed at the attempt to trip him that he threatened personal violence to the inspector, who cleared out, and he has never been in the shop again. That is one of the difficulties; that the inspectors, or the local authorities at any rate, do not go to the most notorious fraudulent offenders, but they frequently go to men with a view of trapping them. This is a stand that the retailer frequently uses for selling his margarine (*producing a china dish*), and this is the ticket (*producing a ticket.*) That is something like it; that is generally put into the margarine at the time.

7110. Then your opinion is that the present Act is sufficiently strong?—Yes; the only thing is that we have a good many difficulties in carrying out the present Act, because the local authorities appear, curiously, to ignore some of the most notoriously fraudulent tradesmen, at any rate, in London, and to go for men who are endeavouring to carry out the Act honestly.

Mr. *Frye.*

7111. Is it the opinion of your association that the authorities should be changed, for instance, in London, to the London County Council, to carry out the Margarine Act?—No, we do not propose that at all, if it is to be carried out more efficiently. I was going to suggest that the whole secret, in the opinion of my association, of the failure of the Margarine Act to stop considerable fraud is the inefficient inspection. We have considered every proposal that we have seen for the amendment of the Margarine Act. Each of those proposals, good in themselves as they may be, depends for its being carried out upon efficient inspection. In the absence of efficient inspection, colouring would be of no use; putting the article up in a particular shape would be of no use; putting it in any particular package would be of no use; licensing the man would be of no use, unless in every case there were efficient inspection; and to provide for that we should suggest that the Local Government Board should have the power to appoint a few, say half-a-dozen, permanent officials who might act as travelling inspectors, and wherever the Act, either the Margarine Act or the Sale of Food and Drugs Acts, appeared to be carried out imperfectly or improperly, that the Local Government Board should send their inspector to make inquiries into any complaints that might be made in any given district, and that he should have power to call for persons to come before him to explain why they had not carried the Act out.

Sir *Mark Stewart.*

7112. Is that in lieu of local inspectors?—No, only as supervisors of the local inspectors. I should like to hand you in a photograph which shows the difficulty (*handing in the same.*) You will see there a label, margarine, somewhat similar to the one that I showed you. Manifestly it appears that that label is intended to cover those rolls of margarine beneath it. The inspector came into the shop from which this photograph was taken and asked for some margarine from that pile so labelled. He got it, and he summoned the shopkeeper for selling unlabelled margarine.

7113. I understand that you would not be prepared to advocate imprisonment?—Certainly not.

7114. Do you think it would do more harm than good?—In the case especially of proprietors of branch shops imprisonment would really be a very serious thing, because, although under the Margarine Act there is power given to summon an assistant, yet in the case of proprietors of branch shops scattered all over the country it would be quite possible for convictions to take place in one or two shops, and for the assistant, after the offence had been committed, to disappear. They would then have to fall back upon the employer, and the employer would always be at the mercy of his assistants, and would run the danger of imprisonment. The danger of imprisonment is seen in that green peas case, where, if by any chance Mr. Shirley had been convicted once of selling an injurious article, although the matter was highly technical, upon the second charge being brought against him under that third section, if the magistrates had held him guilty, they would have had no alternative but to have imprisoned an honest, reputable man, well-known in his own city, who would

Sir *Mark Stewart*—continued.

would not do anything dishonest or knowingly sell anything injurious.

7115. I think you have stated all that you have to say in regard to a reference?—Yes, with the exception that I am prepared to give a suggestion as to the composition of that board.

7116. If you please?—It is that the board or committee should be appointed by the Local Government Board, and should consist of one representative from the Somerset House laboratory, one from the General Medical Council, one from the Institute of Chemistry, who should not be a public analyst, one from the Society of Public Analysts (my object in that other provision is that there should be only one of each, one chemist and one public analyst), one from the manufacturers and wholesale dealers, to be selected through the Associated Chambers of Commerce, one from the Federation of Grocers' Associations, and one from the Pharmaceutical Society.

7117. That is seven?—Yes. Those representatives, with the exception of the Somerset House official, should, I suggest, be elected triennially, and their appointments submitted to the Local Government Board for confirmation. The meetings of the committee should be at such times and periods as were decided by the Local Government Board. To that committee all such questions as standards, labels, mixtures, and the main details of the administration of the adulteration laws should be committed, and they should be empowered to act as advisers to the Local Government Board. The question of the remuneration of this committee should be decided by the Local Government Board. This committee should have power to send for persons, papers, and such other things as might be necessary in their consideration of various articles of food and drugs. The committee should be empowered to make recommendations, definitions, &c., to the Local Government Board, who should, if they approved them, be empowered to issue them as orders, which would, upon proper publication, be binding in law.

7118. You have nothing further to say on that point?—No, I think not.

7119. In regard to the enforcement of the adulteration laws, have you anything further to say?—I think I have already said that I should suggest the appointment of some travelling inspectors, who should be supervisors of the whole of the local authorities in the administration of the law.

7120. Is there any other point you wish to speak upon before you conclude your evidence?—Not on the enforcing of those laws.

Mr. *Colman.*

7121. Your evidence would lead to the conclusion, I suppose, that whilst the inspectors are rather ingenious in certain ways in trying to get convictions, there is also a considerable amount of laxity in some of them?—Certainly. An illustration of that might be seen in the way in which in South Wales the Act is very vigorously enforced in certain districts, while in other parts of Wales it is shockingly neglected.

7122. Then as to these travelling inspectors,

Mr. *Colman*—continued.

do I rightly understand that you think that that should apply to general articles of food as well as to margarine?—Yes; but when I speak of travelling inspectors I do not wish to convey the idea that these officials should have power to go and act as inspectors in any district, only unless the Local Government Board found that the Act was being inefficiently carried out in that district. They would then go into the district, make such inquiry as was necessary to find out the facts, and if need be themselves take samples.

7123. Then it is to this board or committee which you have described that you would refer all questions of admixture and adulteration?—All details of every description almost.

7124. Of course, it would be rather a costly thing to carry out?—Yes; but I take it that the Legislature considers that the food of the nation is of sufficient importance to spend some money on securing its genuineness and proper distribution.

7125. Then I suppose you might take it, as the principle has been adopted now of State interference in factory legislation, and the State has to spend money on factory legislation, you think that the State might very fairly spend money on this adulteration legislation?—Not only very fairly; but we think it is the State that should spend the money, and not the retailer or manufacturer, who at present has to spend it.

7126. I understand you to say that there should be one representative of the manufacturers and wholesale dealers on your board of reference; do you think that is sufficient; should they not rather be divided?—That is a detail; it might possibly be necessary to have one or more; but the reason why I only put one representative in each case was that the committee should not be too large and the matter not too serious.

7127. That you recommend that costs should follow the event; but I suppose you would say that, as a matter of fact, at the present time the retailer, or the manufacturer who has defended the retailer, has in very few instances recovered any costs?—Very rarely indeed. Indeed, in most cases now no application is made for costs. There may be an occasional rare case, such as we find in our own London Grocers' Association, where the London County Council had to pay nearly 30*l.* of our costs in an appeal which we fought recently; but that is a most exceptional thing.

7128. You referred to the question of the qualification of analysts, and you referred to one instance in which the analyst had his marching orders; have there been any other instances in which inefficient analysts have been dismissed?—I have heard of them; but I have not chapter and verse for them, so that I can only mention the one that I know; but I have heard of several other cases.

7129. I see that by the Act of 1875 there is a power of removal: "such appointment and removal shall be at at all times subject to the approval of the Local Government Board"?—Yes.

7130. But, as a matter of fact, you think there have been very few of those cases?—I do not think there have been very many, and I did not know that the Local Government Board exercised

Mr. *Colman*—continued.

the power of interference, but where there have been removals (and I fancy some such thing happened in Derbyshire), I am under the impression that they have been at the instance of the local authority as the result of some serious blunder being discovered, such as I alluded to in Luton in Bedfordshire.

7131. And you think there should be such removals when a man proves himself incompetent?—Yes.

7132. As a rule you have found the analyses at Somerset House generally very accurate, you say?—So far as we have had experience.

7133. Have you found any in which they have made any particular blunders?—No.

7134. On verbal notices have you found there has been conflict of evidence on the question of communications between the grocer and his customer?—Very frequently; so frequently that we have urged, as trade organisations, upon all our members, never to rely upon a verbal notice under any circumstances, but always to put a printed notice upon the article if it were an admixture; and we have always told them not only to do that, but that we should, if necessary, support them in any case that might be brought against them, and that if they gave a written or printed label notice, they need not bother themselves about a verbal notice.

7135. Then, you support the recommendations of the Committee of 1874, that verbal notice leads to errors, and you would rely simply upon a printed or written label?—Certainly. I could give you quite a number of cases, if necessary, where a conflict of evidence does take place. In fact almost everywhere as soon as the defence is set up that the assistant told the customer, it is at once denied by the customer if he happens to be the inspector or his man; and it is only oath against oath, so there is no evidence.

7136. You also, I think, said that you thought "margarine" a bad name. You remember that the Committee which sat some few years ago recommended the term "butterine," and it was altered to "margarine" in the House of Commons?—Yes.

7137. Do you think that "butterine" would have been a better word than "margarine"?—Yes, because it would then have conveyed some intelligent idea; just as the word "velveteen" conveys the idea that it is an imitation of velvet, or "flannelette" that it is an imitation of flannel, so "butterine" would convey at once the idea of an imitation. But the word "margarine" conveys no definite idea. The word "margarine" also has been received with a great deal of prejudice by the poorer classes, owing to the unjust attacks that have been made upon the nature of margarine, and they are very prejudiced in buying it.

Sir *Mark Stewart.*

7138. What is the derivation of "marg" in the word "margarine"?—I have not got it here; it is a corruption of oleo-margarine.

Mr. *Colman.*

7139. Do you think that the word "butterine" could be restored?—I am opposed to altering any laws that affect shopkeepers unless it is absolutely necessary. If the word "margarine" were changed back again to the word "butterine," it would again produce confusion and involve expense; and as we have now for seven years had this Act in operation, and at last the smaller retailers are beginning to understand it, I should hope that the Act would not be interfered with.

7140. You mentioned skim-milk as having been a considerable source of litigation; how does the matter stand now generally as to the skim-milk trade, or condensed milk, I should rather say?—Do you mean with reference to labels?

7141. Yes?—The case has been now pretty thoroughly fought out, and there have not been for the last few months any attempts to bring prosecutions for the sale of condensed skim-milk, when the tin is properly labelled, as such tin is labelled, in my experience, in the case of every condensed skim-milk I have seen.

Mr. *Frye.*

7142. Your association takes up cases to defend any of your members?—Yes.

7143. But you inquire into every case before you take it up, I think?—Yes.

7144. That is to say you would not defend a man who had been guilty of breaking the law?—No; we have just intimated to a member of our association that if he continues to use such a paper as that, with the word margarine on it, for example, we should not defend him (*producing a Paper*); and as a proof that we carefully inquire into cases, I may say that we do not lose 5 per cent. of the cases we defend, and those we do lose are cases in which the wholesale house has been responsible, and then we get the costs from the wholesale house. We had 14 cases last year of that description, and won them all.

7145. Then in the case of prosecutions for selling adulterated butter, I suppose you are of opinion that all those cases should be taken under the Margarine Act?—Yes.

7146. That it should not be optional to take them either under the Margarine Act or the Sale of Food and Drugs Act?—No.

7147. You think that as the Margarine Act was passed for the purpose of protecting butter, all prosecutions for adulterated butter should be taken under that Act?—Yes.

7148. From your experience of a good many years being connected with the retail trade, do you think that retailers adulterate the goods that they sell?—No, I am sure they do not.

7149. But that they are generally the victims of some wholesale house who probably are unscrupulous enough to adulterate articles which the poor retailer has to sell?—They are generally some one's victims, but whose I could not always say.

Tuesday, 18th June 1895.

MEMBERS PRESENT:

Mr. Bolitho.
Mr. Colston.
Sir Walter Foster.
Mr. Lambert.
Mr. Newdigate.
Sir Mark Stewart.
Mr. Yerburgh.

SIR WALTER FOSTER, IN THE CHAIR.

Mr. RICHARD ATKINSON ROBINSON, called in; and Examined.

Chairman.

7150. YOU are a member of the Vestry of the Parish of St. Mary Abbotts Kensington?—Yes.

7151. You are also Chairman of the Special Purposes Committee of the Vestry?—I am.

7152. The Parish of Kensington is of considerable size, is it not?—It is.

7153. Will you give us your figures about that?—It contains 2,245 acres; there are 22,000 inhabited houses; and it has a population of 166,322, taking the last census; and the rateable value is exceedingly high, 2,050,695*l.*

7154. Your vestry have had a considerable experience of the administration of the Sale of Food and Drugs Act, I think?—Yes, we attach great importance to that.

7155. And of the Margarine Acts also?—Certainly.

7156. In enforcing those Acts have you anything to say about your experience as to the number of samples taken, or anything of the kind?—We make it a rule to take 500 samples annually.

Chairman—continued.

7157. Of different articles?—Of different articles.

7158. Will you tell us what those articles have been?—Milk is the chief one, besides which there are butter, coffee, pepper, vinegar, spirits, flour, sugar, bread, oatmeal, tea, lard, cheese, mustard, arrowroot, cocoa, various drugs, beer, sweets, tapioca, sago, wine, cayenne pepper, curry powder, rice, ginger, corn-flour, and cream.

7159. And of those various articles you have taken how many samples?—Two thousand five hundred in the five years ending 1890.

7160. And of those 2,500 how many were genuine?—67·4 per cent.

7161. And the adulterated were how many?—21·5 per cent.

7162. And some that you could not call adulterated you called inferior?—Yes.

7163. They were how many?—Eleven per cent.

7164. In fact you have drawn up a Table showing the details?—Yes.

7165. Will you put in that Table?—Yes.

[*The Witness handed in the following Table:*]

	"Genuine" or "not Adulterated," including abnormal.	Per cent. Genuine.	Adulterated.	Per cent. Adulterated.	Inferior.	Per cent. Inferior.	Total Samples
Milk	610	54·5	351	31·3	159	14·2	1,120
Butter	155	71·8	20	9·3	41	18·9	216
Coffee	143	83·6	26	15·2	2	1·2	171
Pepper	64	47·4	50	37·1	21	15·5	135
Vinegar	105	84·0	9	7·2	11	8·8	125
Spirits	78	66·1	18	15·2	22	18·7	118
Mustard	78	70·3	32	28·8	1	0·9	111
Flour	95	—	—	—	—	—	95
Sugar	56	88·9	7	11·1	—	—	63
Bread	61	—	—	—	—	—	61
Oatmeal	43	—	—	—	—	—	43
Tea	31	75·6	—	—	10	24·4	41
Lard	29	78·4	7	18·9	1	2·7	37
Cheese	30	93·7	—	—	2	6·3	32
Arrowroot	25	—	—	—	—	—	25
Cocoa	6	26·1	17	73·9	—	—	23
Drugs	18	85·7	—	—	3	14·3	21
Beer	12	92·3	—	—	1	7·7	13
Sweets	12	92·3	—	—	1	7·7	13
Tapioca	11	—	—	—	—	—	11
Sago	9	—	—	—	—	—	9
Wine	1	25·0	—	—	3	75·0	4
Cayenne	3	—	—	—	—	—	3
Curry	3	—	—	—	—	—	3
Rice	3	—	—	—	—	—	3
Ginger	2	—	—	—	—	—	2
Corn Flour	1	—	—	—	—	—	1
Cream	—	—	1	100·0	—	—	1
TOTALS	1,684	67·4	538	21·5	278	11·1	2,500

The number of bad samples, including adulterated and inferior, was therefore 816, giving a percentage of 32·6 for the five years.

Chairman—continued.

7166. Are there any other articles that you would like specially to call attention to in that table?—No, I think not specially, except that we have our ideas as to the amendment of the Acts.

7167. What article have you found most adulterated?—Milk.

7168. Is that much more adulterated than other things?—Yes; there was a larger number of samples of milk than of any other article adulterated.

7169. You found 31 per cent. of milk adulterated?—Yes.

7170. Does not your table show that you found 73 per cent. of cocoa adulterated?—Yes, but out of a much less number of samples taken. I thought you meant the numbers; only twenty-three samples of cocoa were taken.

7171. Did you find much adulteration of beer?—No.

7172. Beer you found generally pretty pure?—No less than 92 per cent. I see was genuine.

7173. In the Annual Report of the Local Government Board for the year 1889, there is

Chairman—continued.

something which you wish to call attention to, I think?—Yes, as showing the view which Kensington, as a local authority in London, takes of what it conceives to be its duty in regard to this matter. In that annual report they show that, throughout England and Wales, one sample was examined for every 964 persons; that in London the proportion was one sample for every 542 persons; but in Kensington it was one sample for every 333 persons.

7174. So that Kensington practically stands at the head of the list in energetic administration of the Act?—I think I may say so.

7175. The vestry also have paid considerable attention to securing the carrying out of the Acts by qualified persons?—Yes, we have always had an analyst who is a well qualified man, a Fellow of the Institute of Chemistry; and we look after our inspectors too.

7176. You look after the inspectors carefully?—Yes, we have complete control of them.

7177. And you have no reason to suspect their fidelity in the discharge of their duties?—Not the slightest.

7178. Do

Chairman—continued.

7178. Do you think any benefits have accrued in the parish from your enforcement of the Act?—Yes.

7179. In what respect?—A dozen years ago the number of adulterated samples was something like 30 or 40 per cent.; but now they are 12 per cent.

7180. And you think that that diminution of adulteration is due to the steady enforcement of the Act by the vestry?—I do.

7181. Have you had any experience in the vestry with reference to the wholesale dealers?—Yes, I have been present in court. We do find a difficulty in the fact, magistrates hesitate to convict the retailer, especially if he is a small retailer; they feel that the real offender is not before them; and we think that the Act should be so amended as to include the wholesale dealer or manufacturer.

7182. You think the plea that the article is sold as they bought it from the wholesale dealer, which is a common one, gets them off?—Yes; it mitigates the fine, certainly; it does weigh with the Bench.

7183. And in that way tends to encourage fraud, you think?—Yes, I think so; we do not get at the real offender.

7184. You think there ought to be some amendment of the Act by which you would get at the wholesale dealer?—I do; my vestry do, certainly.

7185. You addressed a communication to the Local Government Board on this point in 1890, did you not?—Yes.

7186. Have you anything to say about that communication?—We asked that the retail vendor summoned might be at liberty by a statutory notice, such as is given in other cases, to bring up and make a co-defendant the wholesale manufacturer or dealer.

7187. You still adhere to that view?—Yes.

7188. I think you attended a Conference of Metropolitan Local Authorities at St. George's, Hanover-square, in May 1894?—Yes.

7189. Can you say anything about that?—We agreed generally with the resolutions come to, and which are set out.

7190. Will you just give those resolutions?—The first one is: "That inspectors or other duly authorised persons should be empowered to take samples of food and drugs at any railway station or other place where the articles are in course of delivery by consignors or wholesale dealers, whether within or outside of the district for which they are appointed, which may be consigned or addressed to any person or company within the limits of their respective districts." And then we also thought that the wholesale dealer should be brought in in the way I have specified, by repealing Section 25 of the principal Act, and substituting a provision similar to the proviso to Section 42 of the Public Health (London) Act, 1891, to the effect that where a person is charged with an offence under the principal Act he shall be entitled, upon information duly laid by him, to have any other person, being the wholesale trader, manufacturer, or other person from whom he purchased the article, brought before the Bench.

Chairman—continued.

7191. Then you also think that in all prosecutions under the Act, where two or more persons are brought before the court, certain changes should be made in such cases?—Yes.

7192. That is to say, you would throw upon the original defendant the responsibility of procuring evidence that he has sold the article as he received it?—Speaking as the representative of the local authority, we fear that that must be so; that the responsibility must be thrown upon the vendor.

7193. Would not that lead to things being sold more in sealed packages than they are?—It might.

7194. And consequently might impede the distribution of articles in small quantities?—I think they would be made in saleable quantities.

7195. You do not think it would be a vexatious interference with trade?—No; what we think is that if the original vendor is not made a party to the suit, the local authority may have great expense and difficulty in finding the wholesale manufacturer or dealer, who may live a long way off.

7196. With reference to mixed articles, you think that the label ought to state that they are mixed?—Yes, speaking generally. I have just thought that an exception might be made in the case of compounded drugs, where you do not require the exact proportions of the compounded ingredients.

7197. But you think that in the case of coffee the label ought to state the proportion of chicory?—Yes.

7198. Would you apply the same principle to cocoa?—Yes.

7199. Do you not think that, cocoa being a mixed article, and containing various proportions according to the different makes, the trade might be damaged by having to state their methods?—No, I do not think so. It is well known that cocoa does contain sugar and starch.

7200. But if you were to state the actual proportions of the mixture there would be no longer any trade secret in the manufacture of a special brand of cocoa, would there?—My vestry have not given special attention to that point. What we do recommend is that there should be a board of reference, and that might be a thing to refer to them.

7201. But you think, as a general principle, that the proportion should be stated on the labels?—As a general principle, with certain exceptions; in the case of drugs, certainly.

7202. With regard to milk, do you think a standard for milk is necessary?—Yes, I do; although I am aware of what it involves.

7203. You know how difficult it is, and the conflicting evidence we have had before us with respect to fixing such a standard?—Yes, I feel that the best milk might be reduced in quality by such a standard; but, on the other hand, I cannot get over the great difficulty of not having a standard.

7204. You think that on the whole it would be to the public advantage to have a standard?—Yes.

7205. You think that all imported articles landed at any port should be subject to examination,

Chairman—continued.

tion, inspection, and even analysis, by the local authority or Customs?—We agree generally with that recommendation; that the local authority should have the power of doing that, if necessary.

7206. That we might stop at the port of entry adulterated articles?—Clearly.

7207. You think that a little activity in that direction would stop the importation of bad articles?—It is a power we ought to have, I think.

7208. Do you think it would check the importation?—Yes.

7209. For instance, if a consignment of bad cheese or bad butter were confiscated the exporter would not be likely to send any more?—That is so.

7209*. Then about the fines, you think that there should be a minimum penalty under the Act?—Yes; we feel that the fines at present imposed, for the reason I at first stated, that the Bench do not often feel that they have the real offender before them, are very small in many cases.

7210. The fines are too small, you think?—Yes; but I should like to supplement my evidence by some figures that my clerk gave me this morning. In 1889 the vestry got 31 convictions, and the amount of the fines was 28*l.*; in 1890 they got 31 convictions, and the fines were 51*l.*; in 1891 we got 31 convictions, and the fines were 67*l.*; and I may say that in 1894 we also got 29 convictions, and the fines were 102*l.*; that is the highest amount we have ever got.

7211. Then your number of convictions has varied?—Not greatly, from 29 to 31, about.

7212. But the fines have varied considerably more, the total fines?—Yes.

7213. How do you account for that. Were the cases in certain years worse cases than in others?—When a defendant has been convicted once or twice before, the magistrates do increase the fine.

7214. Do you think that they increase them sufficiently?—No.

7215. Would you double the fine on a second conviction?—Yes, I am in favour of that.

7216. And would you imprison a person on a third conviction?—I am not prepared to say that without the evidence.

7217. You would not go so far as that?—Not without strong evidence.

7218. But you would make the fine sufficiently heavy to be an absolute prevention of the fraud?—Yes.

7219. With reference to itinerant vendors of food and drugs, would you do anything with them?—There is the greatest difficulty in fixing responsibility, and more especially in the case of men who sell milk in the street in cans. It is felt that they should be registered, and their name prominently put upon the vehicle.

7220. And that samples should be taken from them from time to time?—Yes; we do that now.

7221. That comprises the main recommendations of your conference of the vestries, does it

Chairman—continued.

not?—Yes; that was the conference at St. George's, Hanover-square.

7222. At which the vestries arrived at those general conclusions?—We did.

7223. Have you anything to say with reference to the position occupied by Somerset House, and the administration of the Acts?—It was brought to our notice that there was some friction between public analysts and the referee authorities at Somerset House, and that Somerset House did not seem to possess, a year or two back, the confidence of the public analysts; and we thought it very important that they should possess the confidence not only of the public analysts but of the public; but in that we did not mean to say that we had any suspicion of Somerset House. We did not impugn their impartiality or their capacity in any way.

7224. You think that the laboratory at Somerset House, if perfectly administered, would be a very valuable adjunct to the enforcement of the Act?—Certainly.

7225. You have some recommendation to make, I believe, with reference to a board of reference?—We think that disputed points should be referred to a board of reference, and also that they should lay down definitions for putting the Act in force. We think that if such a board were made representative of the Inland Revenue, the General Medical Council, the Public Analysts, the Pharmaceutical Society, and the Board of Agriculture, we should have a very valuable board of reference, to whom disputed points might be referred, and who might set forth the definitions, and limits, and standards of quality and purity, and lay down general rules for the administration of the Acts.

7226. You put in the General Medical Council and the Pharmaceutical Society on account of drugs, I suppose?—Yes.

7227. But they fix that standard in the Pharmacopœia, do they not?—Yes, but it would be very valuable to have experts from both those great societies on the board of reference, as new things crop up very frequently.

7228. Then your notion of a board of reference would be a body of men representative of different branches of commerce and manufacture, sitting somewhere, say in London, and from time to time drawing out rules and regulations for the enforcement of the Act, and standards of purity for different articles?—Yes; but more especially a scientific body rather than a commercial body.

7229. Scientific and commercial, you want to have both in, because it is a trade question?—Yes, certainly; but I mean a board of reference of expert members who would fully understand how to lay down a standard.

7230. What functions would you give them?—They might determine the lowest quantity of fatty solids allowed in milk, for instance.

7231. And would you have them from time to time give their decisions on those points?—It would be their duty to lay down standards of purity by which Somerset House and everyone else should be bound.

7232. That would not only be a difficult function in some casss, but it might lead to a variation

Chairman--continued.

variation in decision, might it not; the Board might one year make a standard for the solids in milk of a certain quantity, and another year they might put out another standard?—That view has not impressed us strongly; we do not see why they should.

7233. You do not think that there would be any liability to that?—No, not much; probably the boards would be composed of the same men one year and the next.

7234. I do not say from year to year, but in five years time you might have considerable difference in the composition of the body?—We have thought that that would be the most satisfactory way.

7235. You had some correspondence on this subject, did you not?—Yes, we had some correspondence on the subject with the Local Government Board. We found that our analyst in Kensington was in the habit of saying that butter was adulterated if it contained boric acid preservatives, and that other analysts in other parishes did not do that; therefore it appeared that the Kensington butter was more adulterated than butter elsewhere.

7236. On account of the peculiarity of the analyst?—On account of his taking that view; he was not alone in that.

7237. That was a view such as an expert might take?—Yes; and we addressed a communication to the Local Government Board.

7238. Will you read it, if you please?—It was in these words: "Town Hall, Kensington, 16th May 1893. Sir,—I have been directed by the Vestry of Kensington to bring under the notice of the Local Government Board the extract which appears in the enclosed report of the public analyst of this parish dealing with the question of whether samples of butter found to contain boric acid preservatives should or should not be reported as adulterated. From such extract it will be seen by the Board that the percentage of adulteration in this parish is appreciably increased owing to our public analyst, Mr. Cassal, holding the opinion that he has no option, in drawing up his statutory report, but to return samples of butter containing boric acid as adulterated, and this view my vestry has no desire to combat. They, however, learn that some of the public analysts report such samples as genuine, and this being so, the vestry feel that by reason of the difference of views which appears to prevail among the public analysts, this parish and those parishes and districts whose public analysts act in accord with Mr. Cassal, are prejudicially affected as regards the comparisons which may be drawn from the abstracts of Reports of Public Analysts, which are published in the Annual Report of the Local Government Board. The vestry accordingly deem it expedient to seek some direction at the hands of the Board upon the point, and to request that the Board will state whether samples of butter containing boric acid for preservative purposes should be returned in the statutory report of the public analyst as adulterated or genuine, so that uniformity of procedure may prevail throughout the

Chairman—continued.

parishes and districts in which the Sale of Food and Drugs Acts are enforced. I have the honour to be, sir, your obedient servant, (signed) *Wm. Chambers Leete*, Vestry Clerk;" to which we had a reply in the following words: "Local Government Board, Whitehall, S.W., 25th May 1893. Sir,—I am directed by the Local Government Board to acknowledge the receipt of your letter of the 16th instant, inquiring on behalf of the Vestry of the parish of St. Mary Abbotts, Kensington, whether butter found to contain boric acid for preservative purposes should or should not be reported as adulterated. I am to state that the question is one which the Board have no authority to decide, but they may refer the Vestry to note (d) appended to the form of certificate in the Schedule to the Sale of Food and Drugs Act, 1895, which authorises the analyst to insert at his discretion his opinion, whether any mixture was for the purpose of preserving the article, and whether it was excessive. I am also to refer to the remarks on the subject at page 6 of the enclosed extract from the Board's report for 1890-91. I am, Sir, your obedient servant, (signed) *Alfred D. Adrian*, Assistant Secretary."

7239. What comment have you to make upon that correspondence?—We did not feel much enlightened; it seems to be a matter left to the discretion of the analyst, but our analyst now when he finds boric acid only present for preservative purposes, that is to say, in small quantities, returns those samples as genuine and merely notes the presence of preservatives.

7240. That was the suggestion of the Local Government Board, was it not?—We thought they meant that.

7241. So that the correspondence was of some use to you after all?—They did not advise us with sufficient definiteness we thought.

7242. They had to deal with an intelligent vestry, they thought?—We consulted Sir Henry Thompson, Sir Andrew Clark, and Dr. Lauder Brunton, and they said they could not help us; they did not know whether it was injurious or not, as there were not sufficient records in the medical world.

7243. However, you found your way out of the difficulty, in consequence of the correspondence?—Yes, we took it that that was the meaning of the Local Government Board, which I hope was right.

7244. You think it would be better if definite instructions were issued to the local authorities, which would enable them to do the work on a uniform system?—Yes.

7245. And that is really an outcome of this correspondence, in your mind?—It strongly intensifies that it makes us think that a board of reference would be very valuable.

7246. That board of reference would give such directions from time to time?—Yes.

7247. You just now referred to your analyst as regarding boric acid as an adulterant until this correspondence took place. Do not you think that you would be liable, with a board of reference composed of experts such as you have described, to have the same kind of view pre-

 vailing

Chairman—continued.

vailing at one time and possibly not at another?—No, I think it would be better to lay down a standard which should be observed throughout the country.

7248. And you think that that standard would have a weight and authority sufficient to make it generally observed?—I do. We feel that it is most important to encourage the people in the country to send up their clotted cream and butter and have them preserved.

7249. Do not you think that Somerset House is useful in that way?—Not as advising vestries; I have not found it so.

7250. But as a reference for analysis have you found Somerset House of any use to you in that way?—No. We have never addressed Somerset House to advise us on such a point as that.

7251. But the articles are analysed by them?—Yes.

7252. And their analysis sometimes rules or, at least, guides the decisions?—Yes, but we felt that it would be no use addressing Somerset House on a point such as we addressed to the Local Government Board.

7253. You want something before you come to analysis?—Yes.

7254. You want a board to draw up rules and regulations generally for the administration of the Acts which will guide your analyst and officials?—Yes.

7255. And then afterwards Somerset House will be the Laboratory Analyst in questions of disputed analysis?—On questions of fact.

7256. There is another point that you think the Committee ought to consider, that is, in connection with articles intended to enter into the manufacture of foods. What have you to say with regard to that?—We have found a little loophole there, occasionally. It has been held that an article was neither a food nor a drug; I think baking-powder was a thing in which that was held. We want to have power to see that there is no adulteration in that.

7257. You want to get at the articles on the border line?—Yes, any articles intended for human food.

Mr. *Lambert.*

7258. How would you designate baking-powder?—As an article entering into the preparation of an article for human food.

Chairman.

7259. You mean that articles used in the preparation of human food might contain noxious substances or say injurious substances and be adulterated?—Yes.

7260. And on that account you want every article that is used for the preparation of human food to be subject to the same law as the food itself?—That is precisely it.

Mr. *Lambert.*

7261. Has a case arisen under which baking-powder has been excluded?—Yes, the bench said it was neither a food nor a drug.

Chairman.

7262. Then there are certain evasions in connection with the sale of adulterated spirits which have come before you. What do you say about them?—We feel that this notice that hangs in a public house is not sufficient at all. It has been held that it need not be in every room, and we do feel that when spirits are sold below the standard it should be most prominently stated in every room in which those spirits are sold.

7263. Do you think they are largely sold below strength?—Yes, we think so in some cases.

7264. That works for temperance, does it not?—It may.

7265. Have you any other point that you wish to tell the Committee?—I happen to be a member of the Chamber of Commerce of Tunbridge Wells, where I have a house, and they have sent me up a resolution that they have passed to the effect that honest retailers should not be subject to the penalties of the Act, but that the wholesale man should be brought in.

7266. They concur with your recommendation upon that point?—Yes.

7267. There is a general feeling, is there not, that the wholesale manufacturer of food products should be liable?—A widely-spread feeling.

7268. That he escapes now, and the small retailer bears all the burden?—That is so.

Mr. *Colston.*

7269. I think you told us that some 33 per cent. of the milk analysed was adulterated; can you tell the Committee what substances you found chiefly it was adulterated with?—It is either water added or the fat abstracted, either of those processes.

7270. Have you any experience of imported milk from abroad?—We have analysed samples of condensed milk, if that is what you mean.

7271. I meant fresh milk; I understand that there are considerable quantities now being brought into the country?—No, I have no direct evidence on that.

Mr. *Bolitho.*

7272. You talked of the application of boric acid; what object would there be in using that beyond preserving the butter?—None at all; it is used instead of salt; and the difficulty we had is, that as I happened to know, one of Her Majesty's Inspectors in Scotland recommends fishermen to use boric acid instead of salt in preserving fish.

Chairman.

7273. I gather from you generally that with the amendments that you suggest the present law is sufficiently stringent for the purpose of preventing adulteration?—Yes.

7274. You want those amendments, and you want the increased penalties?—Yes, and we are perfectly willing that the honest retailer should have every possible protection and means of defending himself, and being in the best possible position at the earliest possible moment, so long as there is no further difficulty thrown in the way of the local authority.

7275. Have you any experience of other local authorities besides Kensington?—No.

7276. But you think that the efficient way in which

Chairman—continued.

which you have endeavoured to administer the Acts in Kensington has had considerable effect in checking adulteration?—I am quite sure of that.

7277. And that if it were administered with the same energy in all parts of the country, even the present law would greatly check adulteration?—Certainly.

Mr. *Colston.*

7278. In the case of samples of adulterated cocoa, can you say whether the substances so found are injurious?—No; my experience is that they are not. It is now determined that cocoa is not adulterated if mixed with starch and sugar.

7279. And those are the chief substances found in cocoa?—Yes.

Mr. HARTLEY WILSON, called in; and Examined.

Chairman.

7280. I THINK you live at Liverpool?—Yes.

7281. And you are engaged in business?—I am president of the local association of the Liverpool and District Grocers' and Provision Dealers' Association.

7282. And you come here as representing that local association to give evidence?—Yes.

7283. I think the first point that you wish to say anything about is with reference to these articles that you sell, and which you purchase from wholesale dealers. Do you think that the invoice sent to you should be a warranty?—Yes; we, as shopkeepers, ask to be put on the same footing as the purchasing public. When we sell it is implied that we supply what is asked for; and if we receive an invoice we ask that that invoice should be a guarantee to us that it is what it states on the invoice. I may say that shopkeepers do not adulterate, and would be only too glad to co-operate with the authorities.

7284. You mean to say that you think the adulteration of articles is mainly before they reach the shopkeeper?—Yes.

7285. That the shopkeeper practically becomes now the innocent victim of the fraud of another?—Yes, that is the grievance that we suffer from.

7286. You would not go so far as to say that there is no adulteration on the part of the shopkeepers, would you?—There may be a little, but nothing in proportion to what is done by manufacturers. The shopkeepers just simply purvey the goods as supplied by the manufacturer or importer.

7287. And you wish that the invoice for the delivery of the goods to you should be held as a warranty, so that proceedings might be taken against the wholesale person who supplies you?—That is our contention.

7288. Would you have him made joint defendant, or would you have the case tried against him?—My opinion is that if the local authority have reason to suspect and know that certain goods are adulterated, the local tradesmen, through their associations, would only be too glad to co-operate and trace it to its origin, and thus they would stop it at the fountain-head.

7289. You would need to have very conclusive proof, would you not, that the article was not tampered with, after delivery, by the retailer?—Precisely; it would be easy, I think, to furnish the title of its origin. I think now, instead of making the tradesman the victim they should go to the fountain-head and stop it at its source.

7290. The next point you want to bring before

Chairman—continued.

us is that at the port of entry certain things should be examined and stopped if found to be adulterated or deleterious?—Our contention is that imported goods, such, for instance, as preserved peas, as is well known, are never handled at all by the retailer, that is to say, in their component parts. The retailer just serves the goods as they are packed, and if the authorities say they are injurious they ought to stop their being sold at all, and not fine a tradesman for selling them.

7291. You would have these preserved peas stopped at the port of entry?—Yes; if the authorities say they are injurious to health they should not allow them to be sold at all; just as they would not allow diseased meat to be sold.

7292. Would you, in the same way, stop filled cheese and such articles?—If they were proved to be injurious to health.

7293. You mean that peas are injurious to health, inasmuch as they are coloured with copper salts, probably?—The authorities say that; I do not say so.

7294. Supposing they are coloured with copper salts, and, consequently, injurious to health, you think that an article of that kind should be stopped at the port of entry?—Yes.

7295. And confiscated?—Yes; it ought to be stopped; at all events if it is injurious it should not be allowed to be sold.

7296. You come to that conclusion because letting such articles into the country places the unfortunate shopkeeper in the position of being made defendant for selling something injurious to health when he may be totally ignorant of the fact, and of the reason why he is proceeded against?—Precisely; we just simply supply what is asked for.

7297. You think that in all those cases there should be some kind of Court of Appeal?—Yes, where there is a conflict of evidence. As it is now, if a tradesman has reason to believe that the articles he has supplied are pure he has to produce overwhelming evidence before the magistrates will receive the opposing view. What we should like is that when a summons is received for an article which the tradesman has every reason to believe is perfectly pure, and knows from his own knowledge to be pure, if he produces the certificate of another analyst, the magistrates should refer the sample in dispute to Somerset House, and not have any discretion in the matter at all. I may give an instance in Hanley, where the magistrate would not refer a case. The question was one of ginger, which it

Chairman—continued.

was said was not of the nature and substance demanded. The seller produced the certificate of Mr. Estcourt, public analyst for Manchester, who said that the article was genuine; but the stipendiary said he was not going to send again to Somerset House if he could possibly help it; as he had had so much trouble and bother with their analyses before, he would not send again. Our experience with Somerset House, as retailers, is very satisfactory, in that it usually confirms the defendant's analysis, and has been invariably proved to be correct.

7298. Would you then infer from that that the analysts for the prosecution are a little too fault-finding?—We think they are not careful. I wish to say with regard to Liverpool that Dr. Campbell Brown is, I believe, one of the most careful analysts we have in the country, and stands at the head of the profession; we have had no complaint with regard to him. But there is a great deal of expense that traders are put to in establishing their innocence; and they do not receive costs at all commensurate with their expense. We think those costs should fall upon those who are at fault.

7299. Your proposal would work in this way, then: that supposing a man is taken up for selling adulterated coffee, there would be a conflict of evidence as to the quantity of adulteration, the amount of chicory, say; that would be referred to Somerset House; in case Somerset House decided that the adulteration was not present, then the costs would be allowed to that defendant; he would not only go scot free as regards any charge of adulteration, but would have no expense at all?—I think that is only reasonable and fair.

7300. On the other hand, supposing he were found guilty, would you be inclined to increase the penalties?—I think the magistrates have sufficient power now to inflict fines which would be deterrent enough.

7301. You think the fines under the present law are sufficiently high?—Yes.

7302. You would not go so far as imprisoning people?—Certainly not.

7303. Do you not think that a man would be properly imprisoned if he was repeatedly found adulterating articles of food?—Yes, if he was persisting in it.

7304. You would not object to the penalty of imprisonment as a final resort?—No.

7305. You have some views to state, I believe, on behalf of your association about the presence of water in butter?—Yes, we think that the percentage is very often much too high; and reading over this report from Harald Faber, who has very exhaustively gone into the subject, he shows clearly that it need not exceed, say, 14·36, taking a very large number of samples as his guide; and we think, fixing it at 16 per cent., that it should not go beyond that, because if it goes beyond that we think it is a fraud, not only upon the consumer, but upon the retailer as well.

7306. That is the opinion of your association?—That is the opinion of our association.

7307. But it is not founded, I think, on any practical experience either as analysts or as manufacturers of butter, is it?—We take this report of Harald Faber as a guide.

Chairman—continued.

7308. That is to say, you read a report, and you come to a conclusion from that report that 16 per cent. of water would be a fair protection to the retail dealer?—Yes; we think that butter could be made with that percentage, or less, in it.

7309. But you are not practical butter makers?—No, but still we have had a very large experience in dealing with butter, and we know that many butters have a much larger percentage of water in them than there should be.

7310. That varies under many conditions, does it not; we have had evidence to show us that it varies under certain conditions of temperature, and so on?—Yes.

7311. All I want is for you to tell us upon what your opinion is founded; is it founded simply upon what you have read?—Yes, and upon practical knowledge as dealing with butter.

7312. But not as makers of butter?—No; but still we think a great deal of butter is highly charged with water in order to cheapen its production.

7313. Have you got something to say about filled cheese; is that sold to any large extent in your part?—The trade is increasing.

7314. Do the public like it?—I do not think they know what they are buying.

7315. Have you heard of any complaint on the part of the public with respect to filled cheese?—There have been several convictions with regard to that.

7316. That is not what I asked; have there been any complaints on the part of purchasers?—The class of people it would be sold amongst would perhaps not be epicures with regard to cheese.

7317. You think the sale is increasing in Liverpool and the district?—Yes.

7318. Is this filled cheese made to resemble cheese very closely?—Yes, you could not distinguish it, except you were an expert, from the pure product.

7319. And you could not distinguish it by taste?—No, nor by appearance.

7320. But it does not keep, I understand?—No, it does not keep, and I should judge it to be very indigestible from the appearance of it.

7321. Then the article, filled cheese, you think ought not to be sold as cheese?—No, we think it should be sold on its merits.

7322. It ought to be treated the same as margarine in relation to butter, you think?—Yes.

7323. And have a distinctive name?—Yes.

7324. And be sold under its distinctive title, so as to separate it from ordinary cheese?—Yes, we think so.

7325. And you think that that would be for the benefit of the public as well as the protection of the retail dealer?—Yes, because, unfortunately, if the dealer handles it, the public will ask for it as cheese, and it will be sold as cheese; so we think if, at the outset, a distinctive name were given to it, it would come in the market on its merits, which would make things pleasant and easier both for the dealers and the public.

7326. And you would give some special name

to

Chairman—continued.

to this cheese?—Yes, the association thought it ought to be called, say "oleine."

7327. That would not be a very attractive name, would it?—Oleine, I suppose, is a large percentage of its composition.

Mr. *Newdigate.*

7328. It would be no worse than "margarine," would it?—No, I do not think it would be any worse.

Chairman.

7329. You think also that prosecutions should not be taken under the Sale of Food and Drugs Act, when the Margarine Acts can be used?—No; I think that is a very great hardship which the tradesman suffers from. He has complied with the Margarine Acts in every detail, and then they catch him on a technical point.

7330. Under the Sale of Food and Drugs Act?—Yes.

7331. You would like the law simplified, so that one Act should be applied to one set of articles and the other to the other?—Yes.

7332. But you would not have the shopkeeper liable under both Acts?—No, he never knows under which Act they may try to catch him.

7333. But if he is pursuing a perfectly honest course, I suppose he need not care about either of the Acts being put in force against him?—There is this difficulty, that the public will only ask for it as butter; but, I think, some of the responsibility should be thrown upon the public as well as upon the tradesman. Then in a large business they come up to the counter and ask for it as it is lying there, marked before their eyes, and it is delivered to them in a marked paper. Yet if it happens to be a person employed by the inspector, he may say it is not according to the nature and substance demanded.

7334. But the magistrate would not be very likely, I think, to inflict a fine upon a person or persons who sold margarine from a sample marked "margarine," and who wrapped it up in a paper with the word "margarine" printed on it?—Unfortunately there are numerous convictions.

7335. In spite of those precautions?—Yes, and that is why we consider it a very great hardship.

7336. Because a person has asked for butter and has not been told by word of mouth that it is not butter?—Yes, they insist upon a verbal declaration, which we say is almost impossible at all times to comply with, specially when the article is marked before them and delivered to them in a marked paper.

7337. Still you would not think it much trouble on the part of the retail dealer to say: "It is not butter; it is margarine"?—Perhaps there is a crowd waiting to be served, and the shopkeeper pays little attention to it. They ask for the article before them, and I scarcely can see how it can be considered to prejudice the purchasers when it is marked plainly before them.

7338. And they pay a price for it which is not the price of butter?—Yes.

7339. Is there anything else you would wish to say to the Committee?—I would just like to

Chairman—continued.

emphasise one point in the evidence that Mr. Giles gave the other day with regard to a board of reference which we think would save a very large amount of friction, and would facilitate the working of the Act to the advantage of the public as well as to the advantage of the retailer.

7340. What functions would you give to the board of reference?—I go somewhat on the lines of Mr. Giles' evidence. I do not commit myself exactly to the details of it, but on those lines I think the board of reference would fulfil very useful functions.

7341. You heard the evidence of the last witness on that point?—Yes.

7342. Do you agree with it in the main?—Yes.

Mr. *Newdigate.*

7343. You said that the public asked for margarine as butter?—Yes.

7344. How do you know that? They go up to a counter and ask for what is on the counter?—Yes.

7345. How do you know they ask for what is on the counter as butter?—We know by the frequency of their coming, and you may tell them every time they come in.

7346. Then you tell them it is margarine?—Yes, and you may ask them to ask for margarine, but yet they still persist in asking for butter. Still they come in, and it is common knowledge, you give over repeating it, and yet the construction which the local authorities place upon the Act is that you must describe it, and give a verbal declaration every time; and it becomes almost monotonous to dealers and offensive to the customer.

7347. I do not quite see how you can tell that your customer wants to buy the article as butter unless you know your customers?—Most of us know our customers very well; they go up, we will say, to the margarine counter and ask for butter.

7348. Is the word margarine placed over that counter?—Yes, distinctly; that is required by the Act, and is complied with in every case.

Mr. *Colston.*

7349. It is actually affixed to the substance, is it not?—It has to be.

Mr. *Newdigate.*

7350. Yet with all those precautions you can be fined at the present time?—Yes, and are frequently fined. That is a grievance which we think would be remedied by withdrawing margarine from the purview of the Sale of Food and Drugs Act, seeing that there is a special Act for dealing with that article.

7351. Who did you say wrote that pamphlet about the water in butter?—Harold Faber, an official of the Danish Government.

7352. Had he not any evidence about Irish butter?—No, I think not.

7353. Then it cannot be a pamphlet of very much value?—Still there is plenty of Irish butter; take Irish lump-butter, for instance; that has the smallest percentage perhaps of water of any butter produced.

Mr. *Newdigate*—continued.

7354. But still some good Irish butter contains a good deal of water?—Still we think the water could be taken out of it by proper manipulation.

7355. You have not, perhaps, read the evidence we have had on the subject of Irish butter?—I have read a great deal of it, but I do not agree with it. From my experience with butter I feel sure when it is put on the counter the large percentage of water that runs from it could be avoided.

7356. Do you not think it might injure the small producers very much if, say, a standard of 16 per cent. was the limit to the amount of water that might be in butter?—At present the retailer is fined if it contains more than 22 per cent.

7357. There is a good deal of difference between 16 and 22 per cent.?—Some people wish to keep it as high as 27 per cent., and they say that butter cannot be made under that standard.

7358. But according to your argument it would appear as if the retailer might be in the position of adding water to the butter?—I think it would be an advantage to the butter producer if he would make the butter with as small a percentage of water as possible; it would command a higher price.

7359. Would it not be a drawback to the small producer of butter, who has not got all the most modern requirements for making butter, if you were to put a limit of 16 per cent. of water in butter, when very often a perfectly honest article might be made, through no fault of his, which might contain a larger percentage?—My answer with regard to that is, that our complaint with reference to the large percentages of water in butter applies to butter made under modern conditions; creamery butters, for instance, in Ireland; not so much to dairy butter.

7360. That is not quite answering my question. Would it not injure the small producers who make a certain amount of butter and send it off to market every week, when they have not got the most modern requirements, to have the limit of 16 per cent. put down as the amount of water that must be in butter?—We think that they could reduce this percentage of water even without modern appliances. I say that butter made under modern conditions with modern appliances is really the worst with regard to the large quantity of water that it contains.

7361. But then a good deal of this Irish butter is not made under modern conditions?—The butter I refer to is. I say that butter made under modern conditions and with modern appliances is really the worst in that respect.

7362. Do you mean the Irish creamery butter?—Yes; that contains very often the largest percentage of water.

7363. I am talking of butter produced by the small man?—I think, by proper manipulation of the butter, even without the present appliances, he can reduce it to something like 16 per cent., I believe.

Mr. *Colston.*

7364. How do you account for there being more water in butter sent from creameries than in butter sent from small private producers?—I cannot say, unless they do not wash it or work it sufficiently.

Mr. *Bolitho.*

7365. Do you think that is the fact?—Yes.

Mr. *Yerburgh.*

7366. Is that the case with Danish butter?—No; that does not lose so much as the modern creamery butters do in weight.

7367. Have you any idea what the quantity of water is in the best samples of Danish butter?—About 10 per cent.

7368. Is not the Danish butter made with the latest modern appliances?—Yes; that is why I think the Irish could obtain the same results with the same care.

7369. You do not put it on the appliances, but on the want of care?—Yes.

Mr. *Newdigate.*

7370. I suppose the Danish butter merchants are trying to push the sale of Danish butter very much in this country?—Yes; but it is only winning its way by its merits.

7371. But this pamphlet is written by a Dane?—Yes, a Danish official.

Mr. *Lambert.*

7372. You say there have been a good many cases in which shopkeepers have been fined for selling margarine as butter, or for not stating at the counter that margarine was sold as margarine?—Just simply for the omission of the verbal declaration, when the Margarine Act was fully complied with, they have taken summonses under the Sale of Food and Drugs Act. (*See* Appendix.)

7373. And you imagine that every man would know all his customers?—He would know the majority of them.

7374. Supposing a stranger came and asked for butter and he was supplied with margarine, would he be told?—In most cases he would be told; but under certain circumstances, if there was a great pressure of business, there might be an omission.

7375. Have there been a good many convictions?—Several, not only in Liverpool, but in other parts of the country as well.

7376. How are these omissions proved?—By simply saying, "We did not receive what we asked for; we asked for butter and you gave us margarine."

7377. Who says so?—The inspector.

7378. Would you know the inspector?—He, as a rule, sends someone else.

7379. He sends a stranger?—Yes; or perhaps he might get someone in the neighbourhood.

7380. And you would not know that customer?—You might, or you might not.

7381. But if a good many cases have taken place there must have been a good many strangers not known among your customers?—You may observe it in 99 cases, and the hundredth time you may omit the verbal declaration, and it may be to a stranger.

7382. But if it is only 1 per cent. there must have been an enormous number of sales if there have been several convictions; because it would be omitted in a good many cases in which there would be no conviction, I presume?—Very likely. Very likely it happens every day; and I venture

Mr. *Lambert*—continued.

I venture to say that if you took cases under the Sale of Food and Drugs Act you could convict 99 per cent. of the tradesmen of the country.

7383. For selling an article which is not that demanded?—They know that it cannot be what they ask for. At the present time margarine is largely sold, I suppose chiefly sold, at from 5*d.* to 6*d.* a lb. If a customer asks for 5*d.* butter I know what she wants, and I do not say, "Ask for margarine, do not ask for butter"; I might go on with that repetition hour after hour.

Mr. *Newdigate.*

7384. There is some American butter at 5*d.* a lb. is there not?—Not fit for consumption, only for manufacturing purposes.

Mr. *Lambert.*

7385. Does the inspector come in and ask for 5*d.* butter?—Yes, or 6*d.*

7386. Have you any cases to prove that?—I have not any by me.

7387. Could you give us a reference to any case in which the inspector came in and asked for 5*d.* butter and then and there has been supplied with margarine?—I can give you instances in the winter time when the lowest price of butter was 1*s.*, when several were fined when he had asked for 10*d.* butter, an article that could not be obtained.

7388. Still that is not quite 5*d.*; between 5*d.* and 10*d.* there is a wide margin?—Just now prices are extremely low.

7389. But still, for all that, if there have been a good many convictions through an inspector coming in, or a strange man coming in, the shopkeepers must have sold to strangers, other than their usual customers, parcels of margarine when they have been asked for butter?—Yes.

7390. Surely you would not alter the law in that respect; when a man goes in and asks for a thing he should have it, is not that reasonable?—But he asks for what he knows he cannot get; and when you know that he is asking for something at a price at which he cannot buy the genuine article, and your customers are generally satisfied with what you supply them with, I do not see that they are in any way prejudiced.

7391. That is not the point; if a stranger comes in and asks for an article, he ought to have it; and if you cannot supply it at the price you ought to say so?—Yes, and we should be perfectly willing. If he asks for butter at a high price, and is supplied with a mixture, we should like the penalty to be very severe.

7392. But if a man comes in and asks for butter at a low price, at which, as you say, you cannot supply it, you should say to him, "I cannot supply butter; I can only supply margarine at such a low price"?—And I say we do, until the repetition becomes wearisome and objectionable.

7393. Surely it cannot be objectionable to tell a man that he cannot get the thing at the price at which he asks for it; and a strange man; it is not one of your regular customers, because it must be a strange man, otherwise the inspector would not send him?—It may be a woman.

7394. A stranger, at any rate, man or woman?

Mr. *Lambert*—continued.

—My instructions to the assistants are that they should tell them; but you cannot always get your assistants to carry out your instructions.

7395. But you can plead that as an excuse; a man would not, I presume, be fined if it could be proved that he had given his assistants instructions to carry out the law?—He would be. That is why we wish to be brought under the Margarine Act, and then he could throw the blame upon the assistant, and have the assistant brought into court.

7396. Have you any case to prove that a shopkeeper has given his assistant clear instructions to carry out the law under the Sale of Food and Drugs Act, under which the shopkeeper has been fined?—There are plenty.

7397. Could you give us the reference to them?—Yes.

7398. Have you it here?—No.

7399. Will you put it in your evidence?—I could supply it.

Mr. *Colston.*

7400. You told us with regard to Irish butter and Danish butter the percentage of water; can you tell us what percentage of water you find in prime English butter?—No, I have no evidence on that.

7401. And with regard to Australian?—No, but I should judge from the handling of it that the percentage is very low, both in high-class English and high-class Australian, much lower than in Irish butter.

7402. Do not you deal largely in English butter?—No, not largely. It is mostly Irish butter or Danish butter.

Mr. *Yerburgh.*

7403. You suggested "oleine" as the name for filled cheese; how would the name "cheeseine," on the principle of "butterine"?—We think that that would lead to confusion, from the similarity of name.

7404. I see that a witness, Mr. Giles, I think, suggested that "butterine" would be preferable to "margarine" for describing what is known as margarine?—At the time it would have been better; but now that the public have become used to the change, I think it would not be wise to revert again back to the original name.

7405. But here you are initiating the idea?—We should prefer, as I said, to have a distinctive name for it at the outset, and then it would not lead to confusion by people saying that they had asked for "cheeseine" when perhaps we thought it was cheese.

Mr. *Newdigate.*

7406. It is a fact, is it not, that mixtures are sometimes made underneath shops by dishonest tradesmen; you have heard of that, I suppose?—I have heard of that being done, but not in Liverpool or the district. I have heard of it being done in other parts of the country.

7407. Still it is possible that that can be done?—Yes.

7408. There is a machine which does it?—Yes, but you can buy plenty of mixtures as it is, and there is no necessity for a man to fit up

Mr. *Newdigate*—continued.

machinery, unless he wants to produce it cheaper than he can buy it.

7409. But it is done?—Yes, I daresay. There are large quantities of mixtures sold, and sold as margarine, which would take the place of high class butter.

7410. But you are strongly of opinion that a person who wilfully and persistently adulterates should be sent to prison?—If he persists in it I should have no objection to that, if fines would not act as a deterrent.

Mr. *Yerburgh.*

7411. I think you said, in reply to Mr. Colston just now, that you had not had much experience of the best English butter?—No, not a large experience. I do deal in English high class butter, and there is a very small percentage of water in it. I have not tested it, but judging from its appearance it would be a very small percentage.

7412. Do I correctly gather that your trade is principally in Danish and Irish butter?—Yes.

Chairman.

7413. With reference to what you told to Mr. Lambert in connection with the sale of margarine to persons asking for low price butter; is there any sentimental objection on the part of a poor purchaser to ask for margarine?—I do not know, I am sure; I think there must be.

7414. That is to say, they would not like to go into a shop and ask for margarine; they prefer to ask for butter, although they know they are buying margarine?—Yes, that is our experience.

7415. One witness here told us that he has known instances in which they have asked for butter and have been supplied with margarine wrapped in a margarine label, and they have taken the label off and wrapped it in plain paper before leaving the shop; have you had any experience of that kind?—I have had no personal experience of that kind, but I have heard that it has frequently happened.

7416. That is to say, there is a sentimental objection on the part of poor persons to be exposed to the supposition that they were buying an inferior article?—Yes.

7417. They like to delude themselves and their friends with the notion that they are buying butter?—Yes.

7418. You think that that sentimental objection does exist?—Yes.

7419. It is a false sentiment, but you think that it exists?—Yes, and the tradesman has to submit to that.

7420. And pander to it?—He cannot afford to offend his customers. I do not deal largely in margarine myself, and so it would not affect me; sometimes it may happen that I have none at all. But I think it is hard that a tradesman should be the victim of sentiment on the part of the public and of the traps which the inspector may lay for him.

Mr. *Lambert.*

7421. But, still, the inspector would not send a very poor person to buy butter, would he?—In Liverpool they sent one that can neither read nor write, and she claimed that she could not read the labels nor the wrappers.

Mr. *Lambert*—continued.

7422. But that ignorance cannot be taken as an excuse in a court of law, that the person could not read the label with "margarine" on it?—The magistrate has put it this way to the defendant when it was labelled before her eyes; he has said, "supposing that she could not read;" and in fact the inspector has selected one that could not read, to meet that objection which the tradesman makes.

7423. There is a sentiment, you say, amongst very poor people; but it seems that the seller of butter is inclined to meet that sentiment in people of a better class?—Of the poorer class.

7424. No, of the better class, because before a thing of that kind can be proved the inspector must send somebody?—And he often sends a very poor woman.

7425. But he would not always send a very poor woman?—He generally sends the same person.

7426. Then you would know him or her?—But there are many instances of branch shops in which the proprietor knows nothing of the customer that comes in.

Mr. *Colston.*

7427. Could you explain to us how it comes about that you do not deal more largely in English butter; why does your trade lie more especially with Irish and Danish butter?—The quality is more uniform, and the price does not fluctuate so much.

7428. Since the establishment of creameries or butter factories in England do you not find that the quality has improved with regard to uniformity?—Yes, but we do not do much with that in Liverpool; I think it is distributed more locally.

Mr. *Newdigate.*

7429. You say that margarine is always sold on a separate counter?—Not always; I should say that in the majority of cases margarine and butter are sold side by side.

7430. The butter and margarine are both sold from the same counter?—Yes.

7431. You say that you stick up a large label in some cases?—In all cases where margarine is exposed for sale there are labels with letters half an inch long.

7432. On the counter?—Over every separate piece on the counter the margarine is distinctly marked with the label with letters half an inch long.

7433. It is stuck in?—Yes, and when it is supplied, whatever they have asked for, it is supplied in a wrapper that is properly labelled according to the Act.

7434. Do not you think that it would be a good thing that margarine and butter should be sold on separate counters?—It could not very well be done in some shops; they have not the convenience for it.

7435. But wherever it could be done in large shops, would it not be a good thing?—I do not see that it would be any advantage.

7436. But then the public would know what they were buying?—Yes, but they would just ask for it the same. I could give many instances of

Mr. *Newdigate*—continued.

of where they ask for fivepenny, sixpenny, and eightpenny, whichever it is marked.

7437. I suppose that the general public is utterly ignorant of what the price of butter is?—I do not know; the quotations are in the papers every day, if they wish to follow them.

7438. But they would not follow them?—Competition will keep the prices low enough.

7439. But it is ten to one that the ordinary man or woman who goes to buy a pound of butter would not know at what price butter was selling at all?—I do not know; I think they ought to know; it would be put prominently enough before them.

7440. But it is possible that he or she might think they were buying the genuine article, owing to ignorance, whereas all the time they were buying margarine?—If they were satisfied with what they bought, I think there would be no injustice done.

Mr. *Lambert.*

7441. Although it might be a different article?—If she was getting good value.

Mr. *Newdigate.*

7442. I suppose that many customers would think that they were not buying good value, however good stuff the margarine was?—I do not know; some people even prefer it now. I think the prejudice is breaking down against it.

Mr. *Lambert.*

7443. Surely you would like to state if it is a better article, "I do not sell this as margarine, but as butter"?—I am quite willing to do so personally.

Mr. *Newdigate.*

7444. Then it would be a good thing to sell the two articles from separate counters, would it not?—That is a matter of convenience and room in many small shops.

7445. But still, if it could possibly be done it would absolutely do away with any fraud?—They are kept perfectly distinct as a rule, and not mixed up.

7446. You said that sometimes they were side by side?—Yes; but still they are distinctly marked and legibly, so that no one could possibly mistake them.

Mr. *Newdigate*—continued.

7447. Might it not through inadvertence be possible for a man to take the block out of the one thing and put it into the other?—He would have to pay for his mistake if he did.

7448. If he was caught?—Yes.

Chairman.

7449. I think you wish to give us some evidence that you have collected from members of your association in Liverpool and the neighbourhood?—If you please.

7450. What is the nature of that evidence?—We sent out a number of questions with reference to the Sale of Food and Drugs Act and the Margarine Acts, and asked for their answers to the questions, yes or no, and I want to put in those replies; I have it in tabular form.

7451. You received replies from a number of members of the association?—Yes, and we give an analysis of the replies.

7452. And you want to put that in?—If you please.

[*The same was handed in, as follows:*—]

	"No."	"Yes."
1. Are you in favour of the abolition of the blends of butter and margarine called mixtures?	103 traders. 214 shops.	29 traders. 88 shops.
2. Are you in favour of margarine being made of a different colour to what it is at present?	115 traders. 282 shops.	17 traders. 23 shops.
3. Are you in favour of margarine being sold in 1-lb. and ½-lb. blocks?	116 traders. 263 shops.	15 traders. 40 shops.
4. Are you in favour of the abolition of Clause 5 of the Margarine Act? (This clause enables the employer to have his assistant summoned should he be the actual offender.)	108 traders. 273 shops.	21 traders. 26 shops.
4A. Are you in favour of the principle of this clause being extended to the Food and Drugs Act?	19 traders. 41 shops.	96 traders. 234 shops.
5. Are you in favour of licenses being granted to all retailers of margarine?	103 traders. 212 shops.	23 traders. 62 shops.
6. Should an invoice be sufficient warranty?	3 traders. 3 shops.	128 traders. 301 shops.
7. Should summonses be issued under the Food and Drugs Act, 1875, in respect of the sale of margarine where butter is asked for when the provisions of the Margarine Act have been fully complied with?	120 traders. 286 shops.	9 traders. 14 shops.
8. Should a verbal declaration be necessary where the article sold has with it a printed statement to the effect that it is sold as a mixture?	107 traders. 247 shops.	24 traders. 57 shops.

Mr. NEVILE LUBBOCK, called in; and Examined.

Chairman.

7453. I THINK you are chairman of the West India Committee?—That is so.

7454. And that body gives special attention to the British West Indies?—Yes; it represents the planting and commercial interests of the British West Indies and British Guiana.

7455. Are those colonies sugar-producing colonies?—Yes.

7456. Are you also a manager of the Colonial Company, Limited?—Yes.

7457. And they are owners of estates, I believe?—Yes, they are owners of large estates in British Guiana and in Trinidad, producing about 25,000 tons of sugar annually.

Chairman—continued.

7458. Is the sugar that they produce called Demerara sugar?—The sugar that we produce in Demerara is called Demerara sugar, and the sugar that we produce in Trinidad is called Trinidad sugar.

7459. Is that all of the same colour?—No; but a great deal of the Trinidad sugar is the same colour as Demerara sugar; it is to all intents and purposes exactly of the same description as Demerara sugar, and is made in the same way.

7460. Is the colour produced artificially?—No, the colour is the colour which is derived mainly from the chlorophil in the cane juice; but

Chairman—continued.

but in the manufacture of sugar from cane juice certain artificial treatment is required, so as to allow the colour to remain.

7461. And that artificial treatment fixes the colour?—Yes.

7462. So that the sugar in commercial circles is known to a large extent by its colour?—Yes; I may add that the chemical treatment used in the manufacture of sugar is used with the object of getting the colour which is natural to the cane juice.

7463. This sugar has made its place in the market, as it were, by virtue of its good qualities?—It has acquired a great reputation, I think, partly from the aroma which it possesses, because, intrinsically, the sugar is no better than sugar which sells at 1*l.* or 2*l.* less per ton.

7464. But it has a reputation?—It has a reputation.

7465. And in the market it is known mainly by its appearance?—It is known mainly by its appearance.

7466. And its appearance and its reputation have induced, I suppose, imitations of the appearance of the sugar?—That is so. Might I show certain samples to the Committee.

7467. If you please?—I have brought only four samples with me here, because my object is, first, to show what is intrinsically a very superior sugar to Demerara sugar, but is worth less in the market from the fact of its not being of the quality that the general public likes as well as they like Demerara sugar.

Sir *Mark Stewart.*

7468. Is it made from beetroot?—It is made from beetroot. That (*producing the same*) is German sugar. These (*producing the same*) are French crystals, which I see are valued at 11*s.* 10½*d.* per cwt., cost, freight, and insurance, in London. That would mean that that sugar is worth about 12*s.* 3*d.* per cwt. sold in London. That sugar would analyse over 99½ per cent. of sucrose, and sucrose is the ingredient in samples of sugar to which chemists attach the highest sweetening quality; therefore, theoretically, if sugar contains 100 per cent. of sucrose, it is as good for sweetening purposes as any sugar can possibly be. Those (*producing the same*), are some of the imitation Demeraras. I should say that those sugars would polarise, as we term it, from about 95½ to 96 per cent.; that is to say, that those French and German sugars would be intrinsically 4 per cent. better than imitation Demeraras, but they sell for 3*d.* per cwt. higher on account of appearing to be like Demerara sugar. If the imitation sugar was sold as beetroot sugar coloured with an aniline dye, I do not think it would be worth within 2*l.* a ton of what it actually fetches in the market, owing to the impression that the public get that it is Demerara sugar. Here (*producing the same*) is some genuine Demerara sugar, and that, I should say, would polarise about 97 per cent.; it is evidently slightly better than the imitation, but it sells for 14*s.* 6*d.*

7469. And the other?—For 12*s.* 6*d.*

Sir *Mark Stewart*—continued.

7470. I notice that the colours of those sugars are very different?—Yes, very markedly different.

7471. Is not that sufficient to protect the public?—To an instructed eye it would be. I should never buy those as Demerara sugar. I could tell at once that they are not.

7472. The colour is too high?—Yes, they have overdone the colour rather; but a great deal of Demerara sugar is of a higher colour than this; it is more yellow; that is a pale sample.

7473. But, I suppose, there are samples of genuine Demerara sugar that closely approach that sugar?—Not so closely but that I could tell the difference; but they do approach much nearer than this one.

7474. Do they not make some of this beetroot sugar, which is coloured with this aniline dye, closer in colour to the Demerara sugar?—Yes, I think they do.

7475. So that there would be samples which it would be more difficult to detect by the naked eye?—Yes; but I think that the tendency has been to increase this orange yellow. When they first started it they kept closer to the look of Demerara sugar; but they have gradually accustomed the public eye to the bright yellow, and now they are intensifying that.

7476. So that the fraud that you complain of in colouring the beetroot sugar crystals which are coloured with aniline dyes to imitate Demerara sugar, is rapidly making itself a special character in the sugar market?—I think it is.

7477. Is that not a sufficient protection?—Not so far, because a very large amount of imitation Demerara is sold as Demerara sugar. There is a large quantity of Trinidad sugar and St. Kitt's sugar, which is practically the same thing as Demerara sugar, so that the total quantity of the genuine article is still, I should think, in excess of the imitation.

7478. How is the public injured if that imitation sugar has the same sweetening qualities?—If you went into a shop and asked for Demerara sugar, and were given this imitation Demerara instead of Demerara sugar, you would be given sugar that was worth from 1*l.* to 2*l.* a ton less than the sugar that you asked for. In that way you would be prejudiced, I take it, but not in any other way.

7479. Do you think that the small purchasers ask for Demerara sugar?—Yes, they do sometimes; when they get to know it, they do, I think, more or less. Of late there has been a sugar union started, whose object was to school up the public and the grocers to the advantages of using cane sugar, and the grocers have taken this up to a large extent. They find that when they guarantee to sell genuine cane sugar their sales have increased. I think there is no doubt that the public believe, rightly or wrongly, that cane sugar is better than beetroot sugar, and if they have a choice they will always take cane sugar in preference.

7480. Therefore any imitation of this kind which would pass off to them a beetroot sugar by virtue of its resemblance in outward appearance to cane sugar is a fraud?—To the extent of the difference in money value, it is.

7481. You

Sir *Mark Stewart*—continued.

7481. You have tested that question I think in the courts of law?—Yes.

7482. Can you quote any cases to us?—The most important case was a case heard at Tunstall on the 8th of November. There was one case at Enfield, which perhaps I might allude to shortly; but I do not think that that case was so thoroughly gone into as the case was at Tunstall. At Enfield, the justices convicted and fined the defendants, a firm of grocers, for selling a yellow dyed sugar as genuine Demerara sugar, and the bench stated "that a purchaser who asked for 'Demerara' expected to get pure West Indian sugar, and not an article manufactured in England."

7483. In that case, I presume the purchaser did ask for Demerara sugar?—No doubt. At Tunstall the defendants were a large firm of grocers, and when the case was brought against them they brought forward all the scientific evidence they could get in their own favour, so that the case was very thoroughly heard. That case has been reprinted in pamphlet form, so that you can understand that it took a very long time. But the result was that the magistrate convicted the defendant. I do not know that I need to read the whole of his judgment, but he wound up with these remarks: "I must emphasize this point (I always do emphasize it in these cases) that it is a fraud. These adulterations are a fraud on the whole of the public. They are a fraud of the worst class. A fraud on the public, because they defraud the people in the food which they eat, and they defraud their competitors by obtaining an undue advantage by unfair means. Therefore, I say the fine I impose to-day is only, practically, a nominal one, and I do so because this is the first instance one of these prosecutions has been instituted before me. The fine will be 40*s.* and costs." And the costs were very heavy in that case.

7484. Are those the only two cases which you have had up to the present time?—Those are the only two cases in which convictions have been obtained. They were not cases brought by us, but they were brought by the County Council authorities.

7485. But the fraud, I suppose, has only been a comparatively recent one?—No, it has been going on now for seven or eight years, but of recent years there is no doubt that the quantity has largely increased.

7486. Has this matter only been recently brought before the court then?—I think the first case was about two years ago.

7487. Does not that constitute an infringement of the Merchandise Marks Act?—Yes, it is an undoubted infringement of the Merchandise Marks Act, but unfortunately it is almost impossible to get a conviction under the Merchandise Marks Act, in consequence of the nature of the notice which is required. Under the Merchandise Marks Act you can only get a conviction if the tradesman has applied a description to the package in which the goods are sold. So that if a buyer goes to a shop and asks to buy Demerara sugar, and the grocer represents that he is selling him Demerara sugar, but does not write the words "Demerara sugar" on the package, there is no means of getting a conviction under the Merchandise Marks Act.

Sir *Mark Stewart*—continued.

7488. Therefore the law wants some amendment, you think, in order to punish those cases?—I think myself that this is a case that ought more properly to come under the Merchandise Marks Act, because my impression is that the object of the Sale of Food and Drugs Act was rather to protect the buyer against any adulteration which would be injurious to health, and there is no case of any injury to health in this case of the dyed sugar; the aniline dyes are perfectly harmless, and the injury or prejudice is rather a prejudice of money value than of any other character.

7489. Practically, there is no fraud as regards food?—There is no fraud as regards food, I think.

7490. Would you have these sugars labelled in future by the retailer as "cane" or "beet" sugar?—I think what we should like best would be that the law should force every grocer to state on the package whether the sugar he is selling is cane or beet, or a mixture of cane and beet. A great deal of sugar is practically a mixture of the two, because the refiners buy raw cane sugar and raw beet sugar, and they melt them up together, and therefore the resulting fine sugar would be a mixture of the two.

7491. And therefore you would give the grocer the trouble of putting on each package as he sold it a label stating what he believed it to be?—Yes.

7492. Either cane sugar, beet sugar, or a mixture of cane and beet sugar?—Yes. That is what we should like to see done.

7493. Do you not think that it would be a vexatious impediment to trade?—I should have thought so; but it appears that it is done in the case of margarine and butter where the law enforces a printed statement being put on packages as small, I believe, as a ¼-lb., whether of margarine or butter, and I have not heard of any difficulty in working that Act.

7494. And you think that sugar should be treated in the same way as margarine and butter, or coffee and chicory?—I think that margarine and butter are very much more analogous than coffee and chicory.

7495. Because it is really a manufactured article like those imitating another manufactured article?—I suppose margarine scientifically is practically of the same nature as butter; it is difficult to describe in what way the one differs from the other scientifically, but practically, of course, the public would always prefer to have butter, and Parliament seemed to think that it was reasonable that the public should have protection in getting what they want.

7496. That the public should know what they were getting?—Yes, even though the article substituted might not be prejudicial to health and might answer the purpose as well.

7497. You think it would be beneficial to the public as well as to the grocer that the law should make clear to them what they buy when they are buying sugar?—I think that would be a good thing. If it were found to be vexatious, the vexatious part of it might be got over I think by compelling

Sir *Mark Stewart*—continued.

compelling the retailers to do that if asked. No doubt the great majority of buyers would not ask for it, and the few who might would get the protection they seek without much trouble and difficulty to the grocer.

7498. You also think that in these cases the grocer should have a remedy against the wholesale dealer?—Yes.

7499. Because a sugar like that bright-coloured one on your left hand might appear to an ignorant grocer, or to the public, to be a superior article, from its appearance, to a less brilliantly coloured sugar?—Yes.

7500. So that he might buy it in innocence, thinking it was the best article?—Yes. I think the retail grocer ought to be protected.

7501. By an invoice stating what it is?—Yes.

7502. So that if the wholesale dealer sent him that sugar, invoicing it to him as Demerara sugar, that invoice should be the protection of the grocer, and should throw the action of the law on to the wholesale dealer?—Yes, I think so; and I think that the Merchandise Marks Act might well be altered so as to make it apply to cases where a fraudulent invoice has been given.

7503. You would have that amendment of the law also?—Yes. I might say that this imitation sugar need not always be beetroot sugar. As a matter of fact it is; but any crystallised sugar can be dyed with these aniline dyes, and made to represent Demerara sugar.

7504. Any lower quality sugar?—It is not a lower quality in one sense; it is of rather a higher quality.

7505. Then whence comes harm to the public?—For instance, those French crystals contain, probably, 100 per cent. of pure sugar; they are then watered down, more or less, and coloured with aniline dyes, and that enhances their money value, although it depreciates their intrinsic value.

7506. But the public prefer to buy a coloured article of an inferior quality?—Under the belief that it is Demerara sugar; it is, I think, from the experience that they have gained that this Demerara sugar contains an aroma, and has great sweetening power, that they have got to like it.

7507. But it has a less sweetening power, you say, than those white crystals?—A chemist would tell you so; the public do not think so; and, as you know, sweetness is purely a matter of taste, you cannot scientifically measure sweetness at all.

7508. Is it your experience, from knowing something of these things, that the public are right, or that the chemists are right?—I confess I think that the chemists are right.

7509. And the public are under a delusion about it?—Yes, I think so, distinctly; but I think also that there is no doubt whatever that the British public does believe that cane sugar is far sweeter than beetroot sugar, even at the same percentage, that is to say, perfectly pure cane sugar they believe to be far sweeter than perfectly pure beet sugar.

7510. Then, so far as I gather, it is entirely a question of fraudulent substitution of a cheaper sugar for a dearer sugar?—That is so.

7511. There is no injury to the public health, but an injury to the public pocket by this process of imitation which you have brought before us?—Yes; that is to say, the injury of course to the purchaser of a pound of sugar is infinitesimal, but the injury to the seller of 25,000 tons is very considerable.

7512. Is it not rather an injury to the trade than to the public?—By the trade you mean the producers of the sugar; the manufacturers.

7513. Yes?—Exactly in the same way, I suppose, that the Acts preventing the substitution of margarine were in the interests of the producers. I suppose those Acts were passed in the interests of the butter producers. It is difficult to say where the buyer is injured by getting margarine.

7514. They were passed also in the interests of the public, inasmuch as a very much cheaper article was substituted for a very much dearer article?—In this case a cheaper article is substituted for a dearer article.

7515. But the difference of price is not so very great?—It is 10 per cent. It is a matter of degree.

7516. Is there anything else you wish to state?—With regard to the Sale of Food and Drugs Act, I should like to point out that the Act says that an article must not be sold to the prejudice of the buyer. These convictions have been obtained under the belief of the magistrates that this imitation sugar was to the prejudice of the buyer; but it seems to me that magistrates might very easily differ on that point. There is no doubt that it is injurious to the buyer in the sense that he is getting an inferior article *quâ* price; but, on the other hand, there is no evidence that he is prejudiced when he has eaten the sugar; he has got something which is as sweet, and something which is not injurious. If that word could be altered so as to make it clear that it means prejudice in any sense, and not merely prejudice to health, I think it might be advisable. The other point that I would wish to emphasise is that the Merchandise Marks Act was clearly intended to apply to a case like this. The selling of these artificially dyed sugars is really an infringement of the Act, but the Act is drawn in such a way that it is impossible to get a conviction.

7517. The coach and horses go through it as usual, I suppose?—Yes.

7518. As I understand, the difference between the Demerara sugar and this imitation Demerara sugar is from about 97 to 99½ per cent. in pure sugar?—No, the analysis would be very much the same; there would not be a difference of one per cent. probably; but the Demerara sugar will vary. It may contain as little as 93 and as much as 98 per cent. Those would be rather extreme.

7519. Made from the cane?—Yes; of course the object of the refiner who deals with imitation stuff is to keep the analysis as low as possible, and I expect we should find if we had many samples tested that they would come out alike, holding as much water as they could be got to hold safely.

7520. Where is the sugar made, in Germany?—I think Silesia is the largest place, but it is made all over Germany.

7521. Is

Sir *Mark Stewart*—continued.

7521. Is that continental trade doing much injury to our West Indian possessions?—Undoubtedly.

7522. It it ruining them?—It is ruining a great many of the estates. I think that the condition of the West Indies now is that those estates, where they have erected the most modern machinery and have fairly good estates, can get along and compete; but those where they have not had capital enough to put up the modern machinery are practically being slowly ruined.

7523. And the others are just holding their own?—They are just holding their own.

7524. The difference to the grower, as I understand, would be about 10 per cent.?—Yes.

7525. That is to say, that the West Indian grower is out of pocket about 10 per cent., owing to the continental grower bringing cheaper sugar to the market?—It is not quite that. This imitation is not done by the continental grower at all, it is done entirely in London. The continental grower is innocent in the matter; he sends over the white crystals, which are bought by people who actually have put up places on purpose; they buy the sugar and treat it with this dye and sell it off. They do not sell it as Demerara sugar, but they sell it to people who will get it off to shops with the knowledge that it will be sold to the public as Demerara sugar.

7526. Demerara sugar being the best brand?—Yes.

7527. Would you just say what the colouring matter is?—It is an aniline dye.

7528. Is that harmless to health?—Yes. I do not say that it would be harmless to health if it was used in sufficient quantities, but the quantity is so small that it is quite harmless.

7529. Then your view is that this imitation does not not really come under the Sale of Food and Drugs Act, but that it ought to come under the Merchandise Marks Act?—I think it should myself.

Mr. *Yerburgh*.

7530. Did I rightly understand that Demerara sugar is coloured, that in its natural colour it is a white crystal, like the other sugar?—No, it would have to be washed, and specially treated, to get it white. When the sugar is made it has always got a certain colouring matter with it, which is due to the fact that a slight quantity of the molasses attaches itself to the individual crystals, and you do not get a white sugar unless you wash the whole of that molasses away.

7531. Is there no artificial process by which the colour is produced on Demerara sugar?—No, the colour is not produced by artificial process, but there is a chemical treatment of the juice partly to fix the colour, but partly to get the proper colour. Before the juice is boiled it is treated with lime. There are certain organic acids in the juice, and unless they are neutralised by lime you might boil the sugar away and render it all inverted by the process. On the other hand, the lime forms combinations with the organic acids present in the juice, and if they are left there the result is that the sugar, instead of being yellow, as Demerara sugar, would be brown or blackish; and in that form a great deal of Demerara sugar is made and shipped to the United States, where it is refined. But when it is required for grocers a special treatment is necessary in order to get rid of that lime, and to restore, as it were, the organic acids to the condition in which they were before. That is the object of the chemical treatment to which the juice is exposed.

Mr. *Yerburgh*—continued.

Mr. *Lambert*.

7532. Demerara sugar of course would be cane sugar?—Yes.

7533. And French sugar is made from beetroot?—Yes.

7534. How much less in value is the imitation Demerara sugar; what is imitation Demerara sugar made from?—I believe it is made almost entirely from beetroot. It is not necessarily so, but it is made from beetroot from the fact that beetroot is almost the cheapest article that they can buy of a quality suitable for making it artificially.

7535. What is the difference in value between real Demerara sugar and imitation Demerara sugar?—Are you speaking of the intrinsic value or the market value?

7536. I should like both if you can give me them?—I think I can. I should say that the intrinsic worth of beetroot crystals would be from 3 to 5 per cent. more than the intrinsic worth of Demerara sugar; that is to say, the crystals before they are coloured. After they are coloured the intrinsic worth would be about the same; I cannot tell you within 1 or 2 per cent., but the analytical value of Demerara sugar would be fully 94 to 96 per cent.; and so I suspect would be the analytical value of the other. There is not much difference in the analysis; but when you come to market values, then the market value of this white crystal beetroot sugar is rather below that of the Demerara sugar.

7537. Although its intrinsic value is greater?—Yes.

7538. What do you measure its intrinsic value by?—By the quantity of sucrose that it contains. I think the honourable Chairman will confirm me in saying that it is generally considered by chemists that the value of sugar for sweetening purposes depends mainly upon the quantity of sucrose. There is another form of sugar called generically glucose, which is sweet, but not so sweet as sucrose.

Sir *Mark Stewart*.

7539. What is that made from?—If any of that sugar is boiled with acid it becomes inverted, and then you have the glucose form. It is a distinctly sweet article, and it is largely used in the manufacture of bon-bons, and things of that kind; but it is not so sweet as sucrose.

Mr. *Lambert*.

7540. This imitation Demerara sugar smells more sweet than the real Demerara?—Does it?

7541. It has a more sweety smell at any rate?—As a rule the real Demerara sugar has the sweeter smell of the two. The imitation sugar has generally a more or less butyric smell. All

Mr. *Lambert*—continued.

refined sugar has a good deal of that butyric smell about it.

7542. If I want a pound of Demerara sugar, I suppose I have to trust to the honesty of the grocer whether he lets me have it or not?—I suppose so.

7543. If I wanted a pound of beetroot sugar, which you say is equally as good as Demerara sugar intrinsically, of course I should again have to trust to the honesty of the grocer?—If you buy white sugar, you may be sure it is pure; it is almost invariably pure. It can be adulterated with alum, and things like that, but, as a matter of fact, it is not. If you buy loaf sugar or white crystallised sugar, you may practically take it that you are buying pure sugar.

7544. What is loaf sugar made from?—From the beet or the cane. Chemically there is no difference between the actual sugar contained in the beetroot sugar and that contained in the cane sugar. Where the difference comes in is that there is always with sugar a certain amount of impurity; in some cases it is exceedingly small. For practical purposes, as I have said before, white sugar may be taken as pure sugar; but the champagne growers cannot use white beetroot sugar, because the flavour comes out and is injurious to the champagne; so that they are obliged to buy white cane sugar to sweeten their champagne. The amount of impurity in the white beetroot sugar could hardly be detected by a chemist, but it is enough to flavour the champagne. All the beetroot sugar is made in an alkaline condition; that is to say, the beetroot

Mr. *Lambert*—continued.

juice is treated very heavily indeed with lime, and that lime is got rid of by means of carbonic acid, so that the whole of the beetroot treatment is an alkaline process from beginning to end. In the case of the cane sugar it is an acid process from beginning to end; the organic acids are neutralised by lime, but the boiler has to be careful to stop the use of the lime just before he has neutralised the acid.

7545. Is there a large amount of imitation Demerara sugar sold as true Demerara sugar?—A very large quantity. The imitation is distinctly in excess of the genuine, so far as Demerara is concerned; but as I have already explained, there is a great deal of sugar which is practically the same made in Trinidad, and some in St. Kitts, and some in Barbados; and I think if all those were added to Demerara sugar, probably then the genuine sugar would be in excess of the imitation, but not largely.

Chairman.

7546. But the imitation sugar is treading fast upon the heels of the real?—I think about 1,500 tons a week of imitation sugar are being turned out in London.

Mr. *Lambert.*

7547. And that imitation sugar is not really so good as the pure French beetroot sugar?—It is 4 or 5 per cent. worse.

7548. Because of the mixture with it?—Because of its being watered and treated with aniline dye, which all adds to the weight, but does not add to the sweetening.

Wednesday, 19*th June* 1895.

MEMBERS PRESENT:

Mr. Barton.
Mr. Bolitho.
Sir Charles Cameron.
Mr. Channing.
Mr. Colston.
Sir Walter Foster.
Mr. Jeffreys.
Mr. Lambert.
Mr. Newdigate.
Sir Mark Stewart.
Mr. Yerburgh.

SIR WALTER FOSTER, IN THE CHAIR.

The Hon. ALAN DE TATTON EGERTON, M.P.; Examined.

Chairman.

7549. YOU were Chairman of the Joint Conference, were you not, of the Vestries in connection with this question of the adulteration of food?—At my initiative the Vestry of St. George, Hanover Square, invited a conference of all the vestries in London, which was responded to by a very large number.

7550. You have been a member of the St. George, Hanover Square, Vestry for how many years?—Going on for over 15 years.

7551. Did most of the vestries send representatives to that conference?—The greater number did; it was a very largely attended conference.

7552. The main object of the conference, I believe, was to formulate suggestions for the amendment to the present Acts?—Yes, and especially with regard to the question of milk, the question of warranty, and extension of the power of taking samples, the definition of standards, and also the application of the Act to imported articles and the labelling of mixed articles.

7553. I think the conference passed a series of resolutions or recommendations?—The St. George Vestry formulated certain resolutions, which were discussed, amended, and altered, and the print which I think has been before you is the practically unanimous result of that conference.

7554. Could you give us a brief abstract of the conclusions of the conference, or would you like to put the paper in?—The paper is before you.

7555. It has been sent to us, but I do not think it has been put on the notes at present?—The following resolutions were agreed to by the conference, viz.:—"1. Inspectors or other duly authorised persons should be empowered to take samples of food and drugs at any railway station, or other place where the articles are in course of delivery by consignors or wholesale dealers, whether within or outside of the district for which they are appointed, which may be consigned or addressed to any person or company within the

Chairman—continued.

limits of their respective districts." Then in regard to difficulties arising out of warranties:—"2. This conference is of opinion that the best way of meeting the object aimed at would be to repeal the 25th section of the principal Act, and to substitute therefor a provision similar to the proviso to Section 42 of the Public Health (London) Act, 1891, to the effect that where a person is charged with an offence under the principal Act he shall be entitled, upon information duly laid by him, to have any other person being the wholesale trader, manufacturer, or other person from whom he purchased the article, brought before the court at the time of the hearing of the charge, and if he proves to the satisfaction of the court that he purchased it as the article for which he sold it, and that he sold the article in the same state in which he received it, he shall be exempt from all penalties, and the said trader, manufacturer, or other person may be summarily convicted of the offence. 3. That in all prosecutions under the Acts, when two or more persons are brought before the court, the onus shall be thrown upon the original defendant to prove to the satisfaction of the court that he has sold the article as he received it, and that the adulteration has been carried out by another defendant, before he shall be exempt from conviction. 4. With any article bearing a label, the label shall describe the contents of the package, and when the contents are sold as a mixture, the proportions of the mixture shall be stated. The article sold shall be held to conform to the name or description on the label to which the greatest prominence is given, and any article differing in substance, or purity, or proportion, from such description or descriptions shall be held to be an adulteration under the Act. 5. That a standard for milk, and milk products and other articles admitting of definition, should be fixed by the Local Government Board, with power for them to alter in case of exceptional seasons. 6. That all articles of food and drugs imported as merchandise into and landed at any port in Great

Chairman—continued.

Britain and Ireland, which comes from a foreign country, shall be subject to examination, inspection, and analysis by officers of the sanitary authority of the port, in the same way as tea is now examined by an analyst appointed by the Commissioners for Customs, under Section 30 of the Sale of Food and Drugs Act, 1875. 7. That a minimum penalty of 40*s.* be imposed for all offences under the Act, and that the defendant shall be liable to a double penalty, with or without imprisonment, in cases of second or subsequent offences. 8. That all itinerant vendors of food or drugs shall only sell from vehicles or vessels or other receptacles having printed thereon the name and address of the person, who shall be responsible as master for such sale; and all itinerant purveyors of milk, whether employers or employed, shall be registered with the county council of the district, and it shall be an offence under the Act for the vendor of any article to give a false name and address of himself, or his employer, to an officer under the Act.'

7556. I think the vestry recognise the important duty of their committee in taking samples pretty frequently, do they not?—Of milk especially. At least 150 samples of milk have to be taken in the year, out of a total of 400 samples, which is what we are supposed to take. The orders of the vestry are that we should take 400 samples, 100 per quarter.

7557. And you pay your analyst a salary, I presume?—We pay him by salary.

7558. And your inspectors, either by themselves or their deputies, obtain these samples?—Yes, the sanitary inspectors.

7559. Do they do it themselves or by deputy?—They do it by themselves.

7560. Are they not known to the shopkeepers? That is the unfortunate part of it; they are too well known.

7561. And consequently they are not so likely to obtain a fraudulent specimen as a stranger would be?—Not so easily.

7562. Do you find another difficulty on your analyses with reference to the unequal action of magistrates?—Yes.

7563. That is to say, you find their sentences unequal, and their judgments vary?—Their judgments vary; they do not all read the existing Acts in the same manner; and the time question also comes in.

7564. In that way you find the work of your committee, zealous as it is, is handicapped by the action of the magistrates and by certain defects in the law?—Yes.

7565. You find that in reference to milk there is a great difficulty as to the standard of milk?—Yes, a very great difficulty.

7566. And that interferes with the efficient administration of the Act in your district?—Some magistrates will not give a conviction when there is under 6 per cent. of added water, and in some cases they object to the form in which the analyst gives his certificate; one magistrate takes one form, and another magistrate takes another.

7567. So that there is a difficulty with reference to these milk cases from the want of any definite standard being laid down?—Any definite standard of milk itself *quâ* milk.

Chairman—continued.

7568. Do you not think that if you had a standard of milk you would have most of the good milk lowered to the standard; that the better milk would be lowered?—That is what is done at present.

7569. You think that is done at present?—I am certain of it; I have seen it myself.

7570. That is to say, the milk in London is lowered to a standard which is likely to escape a penalty if it is brought before a magistrate?—Yes; we see that by the number of cases of milk which are certified to be genuine milk, but with the addition of 3 per cent. or 4 per cent. of water; and that addition so constantly appearing seems to me to indicate that they know exactly what they can do in the way of adulteration.

7571. And the conclusion which you draw from that is that there is practically no unsophisticated milk sold in London?—That is so.

7572. You would not except any of the great dairy companies, then?—I think that they all manufacture the milk.

7573. They prepare it for the market?—They prepare it to the detriment of the farmer; they do not give the farmer the benefit of producing a high class milk from high farming.

7574. And also, I presume, to the injury of the public, you would say?—No, not exactly to the injury of the public; the milk is good and genuine, but it is very often a blended milk.

7575. Do you think the price is that of a blended milk?—That I cannot say.

7576. Because if the price be kept up it would be to the injury of the public, would it not?—The question of price I do not think really comes in; that is a question of the law of supply and demand; but undoubtedly it is a fact that the cream in milk is not of the same value as the cream outside milk, and consequently it pays to extract the cream out of milk to a certain extent, and to reduce all milk down to such a standard of fat that it will pass the certificate of an analyst.

7577. Then do you think that Parliament should fix any standard with reference to milk or other food products?—No, I think that is a matter which is entirely a question for experts, and I see no difficulty in arriving at a fair average standard.

7578. Then would you have a committee of experts to do that?—I would have a committee, appointed under the Local Government Board, of analysts, and others, who would take steps to find out what the standard should be for milk. I would suggest taking the milk of a properly fed herd of, say, 40 cows, that were certified by a veterinary surgeon to be in a proper state of health, with no tuberculosis, and properly fed.

7579. In fact, you would have a committee of reference which should from time to time lay down standards not only for milk, but for other articles of food?—Yes, other articles as well.

7580. And which should also lay down certain rules for the guidance of local authorities in the administration of the Acts?—Yes.

7581. You think, also, that in case a warranty is produced by the retailer dealer, the law ought to be amended with reference to that warranty?—Certainly;

Chairman—continued.

—Certainly. At present, especially with regard to perishable articles where a warranty is given, time lapses, and the article is in a state in which it cannot be examined. In the case of milk the retailer, having been proceeded against, claims exemption under the warranty, and the milk in the meantime, especially in hot weather, is in such a state of decomposition that the second and third samples cannot be tested, and the magistrate dismisses the summons against the retailer; and at present there is no course open to attack the person who grants the warranty, because the evidence that is given in the first case is not available to be used as against the person who grants the warranty.

7582. Do you think it would be advisable to have samples of milk preserved for the purpose of further testing?—I do not think it would be possible; I think it would be physically impossible.

7583. Supposing that some chemicals could be added to the milk at the time it was taken, and that the sample could be sealed up and preserved for further analysis, do you not think that that would be a good plan?—I do not think there is any known preservative that does not act upon milk in a manner which is deleterious to it.

7584. You want, in fact, by the arrangement which you suggest, to enable a person who sells an article, whether milk or other article on a warranty, to be able to substitute the person who gives the warranty for himself in the proceedings?—Yes.

7585. Then you think that the Act should also be made compulsory in all places and not permissive?—Certainly.

7586. So that the administration of it would be uniform throughout the country?—It should be uniform throughout the country. My reason for saying that is that in so many local authorities who have to carry out the Act you find the people who in certain cases might be prosecuted, are themselves the people, who have to administer the Act; and therefore there is a slackness in carrying out the Acts. I find that myself in regard to my own vestry. I have on my committee tradesmen who from time to time have their articles examined; and of course that makes it a little difficult to carry out the Act although we do all the samples by ballot; it is all done without the knowledge of any members of the committee and it is done by ballot, and by taking numbers from the list. We have a list in the vestry of every tradesman in the parish, separated so far as possible into the different classes of the articles which they supply. In the case of milk so many samples are ordered to be taken, and we take the list either of Inwards or Outwards. There are so many vendors of milk in that ward; so many numbers are put into a hat, and the chairman just draws the numbers. And the same with regard to all other articles.

7587. He draws the numbers, and the shopkeeper whose name corresponds with the number is the person from whom the sample is taken?—Yes, and that is a secret between the clerk of the committee and the sanitary officer who takes it.

Chairman—continued.

7588. Does your sanitary officer go and take the specimen himself?—Either himself or his deputy.

7589. Does he go in uniform?—They have no uniform. He does on certain occasions employ somebody to go in and ask for it, and at the moment of payment he steps in and claims it.

7590. But, I suppose, your inspectors are pretty well known?—Well, they must be known.

7591. And that interferes with the likelihood of your obtaining always the same class of specimens that you would if you could employ strangers more generally?—Certainly; it has that tendency.

7592. I think you are of opinion that when your analyst gives a certificate he ought not to be compelled to give a quantitative analysis?—Not necessarily; it is telling the secrets to those who are manipulating the articles.

7593. But you think that he should simply give a general certificate, stating in general terms the result of his analysis?—Yes.

7594. I think you also are of opinion that articles which are mixed should have labels on them which are descriptive of the proportions of the mixture?—Yes.

7595. That is to say, for coffee and for cocoa you would put the proportions of the compounds sold?—Either that, or that the article in the mixture which is greatest in bulk should be that which comes into the label first.

7596. That is to say, if there was more chicory than coffee?—If there was 90 per cent. of chicory in a tin of coffee mixture, it should be labelled "chicory and coffee," and not "coffee and chicory," because, as a rule, if you take the article which is supposed to be bought, say a tin of coffee, the label contains "coffee" in very large letters indeed, and the "chicory" is relegated to the smallest type that it is possible to employ.

7597. Then you think that would be sufficient without going into a statement as to the exact percentage?—I do not think it is necessary absolutely to state the percentage.

7598. Do you think it would be injurious to trade, in the case of some articles, such as cocoa, to state the ingredients of the mixture?—That I cannot say.

7599. You have no experience in the vestry on that point?—No, we have not. It is well known, of course, that cocoa, like mustard, would not be palatable unless there was a certain quantity of a necessary article added to it.

7600. Then, I think, you also, in conjunction with the vestry and the conference, hold the view that all food and drugs imported as merchandise into this country should be inspected at the port of entry?—I think that is the proper place.

7601. With the view of preventing spurious articles being sent into the country?—Certainly. A case in point occurred two or three years ago (I cannot charge my mind exactly as to which) in which butter was proved to be adulterated and was sold by a very respectable tradesman, and the action which we took had the most deterrent effect; no less than 270 tons of butter

(*Chairman*—continued.

was returned to Holland. That ought to have been stopped at the port of entry.

7602. With regard to the penalties inflicted upon these offenders against the Sale of Food and Drugs Act and the Margarine Acts, do you think the penalties are sufficient?—I do not think that any penalty would really prevent the practice; I think that a moderate penalty is quite sufficient, but I think that on a second case occurring there should be distinctly an increase in the penalty.

7603. You would not go so far as imprisoning a man on the third or fourth offence?—I am not prepared to say whether I would. One's own personal feeling might lead one to feel that some deterrent of that sort should be employed, but I do not think, from a public point of view, that it would be advisable.

7604. Have you anything else to put before us?—I think you have pretty well covered the whole of what I had to say. I should just like to put it on record, because I made rather a startling assertion, that little or no milk is unsophisticated; that I saw myself in the country an iron building with a small boiler and machinery driving separators, and the farmers all sending their milk into this place, which was within 200 yards of a railway station, from which a large town was being supplied. I looked in and I saw the separating going on, and the only conclusion I could come to was that the milk was being whittled down exactly to pass the standard which the public analysts of that town held to be sufficient. There could have been no other object in having a place of that sort within that short distance of the railway station, except for that particular purpose.

7605. You think, then, that this separated milk is sent largely into the towns and mixed with other milk so as to sell milk at a standard that will pass the analysts?—I think it is all prepared before it goes on to the railway.

Mr. *Bolitho.*

7606. This is not butter, but milk only?—Milk only. A certain amount of cream is taken off. The normal amount of fat supposed to be in milk is about 3·5, and anything with 3 per cent. or just 2·8 per cent. would probably pass the public analyst and would not be looked upon as being bad milk. But it is the farmer who farms high, and who ought really to get a better price for his article, who is robbed, if I may so call it, of what ought to be part of his profits from his high farming.

7607. But is not the value of milk ascertained when it is sent in by the farmer?—He supplies it at so much the barn gallon. I believe that at Middlewich there is a large Swiss milk factory, and, I believe, that it is 10½*d.* the barn gallon of milk; that is all the farmers get there.

Chairman.

7608. You think that the time limit which you referred to previously is a great impediment to the efficient administration of the Acts?—Yes.

7609. Inasmuch as it interferes with further analyses?—With further proceedings. If the Act was amended so as to bring the person who gave the warranty into the summons that time limit would disappear.

(*Chairman*—continued.

Mr. *Channing.*

7610. As to the preservation of the samples could that be done, in your opinion, effectively by some cold chamber process, or freezing, or anything of the kind?—Undoubtedly it might be done, but I do not think it would be practicable.

7611. That process would preserve the chemical condition of milk, would it not?—There is only one way of dealing with milk (I speak especially, of course, with regard to milk), which would be to sterilise it by the French process, that is to say, bringing it up to boiling point under such a pressure that it does not boil.

7612. Have any experiments been carried out as to samples of milk in connection with your conference in that direction?—No, that would be very difficult to carry out. In the first place I see one insuperable difficulty. The sample is taken and divided into three, and sealed up at once, and those seals are not broken. Those seals must be unbroken when they are submitted to Somerset House or to the person who has the third part. One part is taken by the sanitary officer for analysis by the analyst; one part is handed back there and then sealed to the vendor, and the third part is put in reserve for Somerset House, so that I think it would be almost impossible.

7613. That is to say to sterilise it?—Yes.

7614. But it might be possible to preserve it by means of cold, might it not?—I do not think so; cold would not destroy the germs.

7615. As to the type of creamery that you referred to near a railway station, is it your suggestion that at those creameries, in addition to the work of separation, the milk for the market is composed of the separated milk and natural milk?—Yes, a blend.

7616. In sufficient proportions to meet the demands of the analyst?—Yes, it is whittled down just to pass the standard.

7617. That is to say the mixture of the milk is made there, and not by the sellers in the town?—No, it goes straight into the town.

7618. As to the list of tradesmen from whom the samples are taken, is it the practice to initial or mark in any way the tradespeople from whom defective samples or fraudulent samples have been obtained before?—We keep a record of samples which are shown not to be absolutely genuine, but in cases in which we do not take action because we could not get a conviction. For instance, we have constantly certificates of milk containing 3 and 4 per cent. of water. We have got convictions where 6 per cent. of water is added, but in no case have we got a conviction below that; we have not got it in the case of 5 per cent. of water; no magistrate has convicted with 5 per cent. of water.

7619. But in the case of the lists from which I understand the special tradesmen are selected by ballot, is there any difference made between the tradesmen who have been before convicted, or whose samples have been found faulty in anyway, and other tradesmen of whom nothing is known?—

Mr. *Channing*—continued.

known?—No, the list is purely a list and nothing else.

7620. You draw quite freely both from those who have been found at fault before, and those of whom nothing is known?—Yes, but as a rule, in each quarter when we draw we except the numbers which have been drawn in the previous quarter, so that in that way we practically pass every tradesman through the ballot.

7621. Is not a man who has been found at fault one year looked after in another quarter?—Yes; very often in the next quarter we purposely put him in as one from whom samples are to be taken.

Mr. *Colston.*

7622. With regard to the creamery near a railway station of which you have told us, where such a system is pursued, would the milk be purchased from the farmers by the middleman who collects it?—No, the farmers bring it in in bulk in their carts. I do not know how they do it, of course, but I saw the carts bringing the milk in and not taking anything away.

7623. My point, rather, was to gain information as to who was really responsible for this preparation, whether it was the farmer, the middleman, or the salesman?—This contractor, I presume, contracted to sell in the big town, and he set up his little workshop there and collected the milk; he was a collector of milk. Instead of merely arranging and agreeing with the farmers to put it on to the train, he received it, and he sent it on by train himself.

7624. Would not that system be rather exceptional; would not the farmers generally send their milk direct to the big towns?—I presume they do. Still, this was a thing that struck me, and I presume that something of the same kind is done here in London, because I do not think the country would be able to teach the towns anything; I think it is the other way about.

7625. With regard to the standard of milk, which is a very difficult matter of course, would you suggest that it should vary at all according to the season of the year?—Certainly it would have to do so. That is my reason for saying that Parliament itself should not define the standard, but that the standard should be arrived at by experts.

Mr. *Bolitho.*

7626. The farmers usually do not sell their milk according to the value of the milk, but they sell it by the quantity, do they not?—I do not think that they go into the decimal differences of fat.

7627. They simply sell the milk at so much a barn gallon; may I ask what a barn gallon is?—I believe it is 10 quarts; that is the common acceptation of it.

7628. And they are not paid according to the quality of their milk?—No; the contractors require the farmer to supply milk of a certain quality, and they will not take the milk themselves unless it is of such quality; but then they take the profits of what may be the better value of the milk.

Mr. *Jeffreys.*

7629. With regard to a milk standard, have you any standard that you would say should be fixed?—I am not an expert in that, that is purely a matter for an expert.

Mr. *Jeffreys*—continued.

7630. What standard does your vestry fix?—I think the standard on which our analyst determines in that which is in general acceptation amongst all the analysts of the metropolis, and in fact, most of the analysts. My evidence on that is only second-hand.

7631. Are you not aware that analysts differ as to what the standard should be?—Certain analysts. But I think from what I have been told, that there is a standard which they generally accept.

7632. Have you any knowledge of the foreign milk that comes over here?—No.

7633. Your vestry never accepts that?—We have no point at which it is delivered in the parish, we have no railway, except Victoria Station, which is within our parish, and as the law stands we are not able to take samples elsewhere.

7634. Did I rightly understand you to say that you thought that farmers mixed the milk, the separated milk and the pure milk?—No, I do not think the farmers do; it is not within my knowledge at all.

7635-6. I thought you said they prepared it?—No.

Mr. *Channing.*

7637. I think you said that the creameries prepared it?—At this particular place I saw work going on which could only have been a manufacturing process of milk.

Mr. *Jeffreys.*

7638. But you have no reason to believe that the farmers make up the milk in that way?—I cannot say.

7639. How would you stop such a mixture as that being made; how would you suggest that you could stop such a thing?—By a standard. There is no objection whatever to genuine milk being mixed with separated milk if it contains a proper amount of fat.

7640. Would not the only way to stop it be to prohibit the mixing altogether of separated milk?—That is a matter for legislation.

7641. Is it not the fact that some very rich milk might, as you said, I think, be watered down to the requirements of the vestry?—Whittled down, not watered down, there are two forms of adulteration. One is the mixing of good genuine milk with good genuine separated milk; and there you have the same amount of minerals, but you have a deficiency of fat; you have no water. Then the other adulteration is leaving the milk with its fats and adding water; in which case you find there is a deficiency of minerals in the analysis afterwards.

7642. What I wish to know is, if you allow this mixture of separated milk and pure milk at all, and you say if it came up to a certain standard you would allow it, would it not be very difficult to stop this adulteration unless you prohibited the mixing of the milk altogether?—I think that would hamper the farmers very much, because at present you have all the milk of all the cows mixed into one can, and if you

Mr. *Jeffreys*—continued.

have a Dutch cow which gives an enormous volume of milk, it may be very poor milk, which would be compensated for by the richer milk of other cows.

7643. You mistake me; I do not mean a mixture of the milk of the cows, but I mean the mixture you describe of separated milk and pure milk?—But I look upon the milk from some of these Dutch cows as practically the same thing as separated milk, because you can separate the fat off milk to any percentage you like; it is only setting the machine to take off so much per cent. of the cream out of it.

7644. But would it not meet what I mean if you allowed pure milk to be milk that came straight from a cow; that ought to pass any standard, ought it not; would you allow that in your vestry, whether rich milk or poor milk?—It passes the standard of pure milk which can only be determined by taking say a herd of 40 cows, as I said before, and fixing that or thereabouts as being the standard of genuine milk.

7645. What I want to know is would you allow milk to be consumed by your vestry as genuine milk, as you call it, or pure milk, if it were mixed with separated milk, even if it came up to the standard?—I see no objection to the mixture whatever.

7646. Then you do not think that would lead to wholesale adulteration?—No, I do not think so.

7647. Then you do not call a mixture of separated milk and pure milk adulterated milk?—No, certainly not. It is not adulterated, at least, I should not hold it myself as being adulterated; it is genuine milk, but with a certain proportion of fat abstracted.

Mr. *Channing.*

7648. What basis do you take in the vestry as a sufficient ground for proceedings?—We are guided by the precedent of what we have been able to get convictions for from magistrates, and we are guided by the situation of where the prosecution takes place, and the magistrate, probably, before whom it takes place.

Mr. *Jeffreys.*

7649. Only one other question, and that is with regard to the inspection of butter; you mentioned about inspectors generally being in uniform; have you ever tried women inspectors to take the samples?—Our sanitary officers are not in uniform at all.

7650. Have you ever tried women to go into the shops and take the samples?—We leave it to the discretion of the sanitary officer to get it.

7651. But is not the sanitary officer as well known in your district as you are yourself?—Yes; I say he should have discretion to employ others.

7652. Do they ever employ women?—Yes, from time to time.

7653. Do you think that women are more successful in finding out these adulterated samples?—I do not know; I have no evidence on that point.

Mr. *Bolitho.*

7654. Have you any knowledge as to adulteration being more likely on Sundays when your inspectors may not be about?—With regard to milk, certainly on Sunday mornings there is a very large trade done by itinerant vendors of milk with little carts, and we have taken special means to try and catch those men. One of the recommendations of the conference has special reference to that very point; it is Clause 8: "That all itinerant vendors of food or drugs shall only sell from vehicles or vessels or other receptacles having printed thereon the name and address of the person who shall be responsible as master for such sale; and all itinerant purveyors of milk, whether employers or employed, shall be registered with the county council of the district, and it shall be an offence under the Act for the vendor of any article to give a false name and address of himself, or his employer, to an officer under the Act." We had a very curious illustration of the difficulty of catching these itinerant vendors. We got actually to the owner, and then it was put in evidence that the owner of this business was a child of 13, and we had a great deal of trouble, but eventually we penalised the mother. But it is a most difficult matter, because they shift their ground, they give false names, and they have no names on the carts, and it is very difficult indeed to get hold of them.

Mr. *Jeffreys.*

7655–6. Do you not prosecute the driver for having no name on his cart?—He hires a little truck, and they put a false name on; a small hand-cart that is all.

Mr. *Yerburgh.*

7657. In your opinion are not the principal sufferers from this system of adulteration the less well-to-do classes?—The poor suffer very much.

7658. And more than the wealthier classes?—Yes, a great deal more.

Sir *Charles Cameron.*

7659. You have among the resolutions arrived at by this conference a suggestion with regard to the law as regards a warranty, to the effect that the present provision on that subject should be repealed and that a provision similar to the proviso to Section 42, of the Public Health (London) Act, 1891, should be substituted, namely, that where a person is charged with an offence under the principal Act he shall be entitled upon information duly laid by him to have any other person, being a wholesale trader, manufacturer, or other person from whom he purchased the article brought before the court at the time appointed for the hearing of the charge, and if he proves to the satisfaction of the court that he purchased it as the article for which he sold it, and that he sold the article in the same state in which he received it, he shall be exempt from all penalties, and the wholesale man may be summarily convicted of the offence. How would that work; would it not be very difficult to compel the attendance of a large wholesale dealer in every case in which the article said to be purchased from him was found to be adulterated and warranty was pled?—I do not see any great difficulty.

Sir *Charles Cameron*—continued.

difficulty. The only case where difficulty might arise would be in the case of a foreign manufacturer.

7660. Putting that aside, for I suppose you propose to proceed against the person in this country who acted as agent for the warrantor?—Yes, that is the proposal.

7661. Taking the case of large wholesale houses like Travers and Company, this warranty might be pled, especially if invoices, as has been suggested, were taken as warranties, might it not?—I have no objection to their being made to appear.

7662. You think it is workable?—Certainly, I do not see any difficulty in the case.

7663. On the question of labels, you propose, or rather the conference proposes, that the proportions of mixtures shall be stated. I thought you had rather a less elaborate proposal of your own?—It is purely my own idea. The result of this conference was of course a give and take from all the vestries; they did not accept the suggestions of our Food and Drugs Committee of St. George, Hanover-square.

7664. You are in favour I understand of simply putting the name of the preponderating article in the mixture, first?—Yes.

7665. How would you deal in the case of cocoa now?—Cocoa is by common repute a mixed article. A pure cocoa would be impossible to use.

7666. Of course, cocoa nibs are pure?—Yes, it would come under the same category as mustard.

7667. How would you deal with such a case as this: a manufacturer has been accustomed to advertise his cocoa as pure cocoa, but it has been treated in a certain way which considerably alters the proportion of the different ingredients in the native article; would you continue him in his copyright of the word "pure," or how would you deal with him?—That is rather a legal question.

7668. But I ask you, as I know you have taken great interest in the matter?—I should say that if the proportion of the adulterant or the addition was not too great, I do not see why he should not be entitled to keep the copyright name of the article.

7669. There are two classes of cocoa manufacturers; there is great difficulty in dealing with cocoa, and I know you have given great attention to the matter, so I thought I would ask you about it; there are two classes of cocoa sold: one is pure cocoa, cocoa nibs, and cocoa manufactured by the abstraction from it of certain ingredients; the other class is cocoa manufactured for use by the addition of certain ingredients, and is rather a battle between the different schools of preparing cocoa as to the purity of their respective articles; would you be inclined to accord to either of them the right to put forth their manufactured articles as pure, or how would you deal with them?—That is where, if we leave this committee of experts to fix a standard for all articles, their powers would come in. I think that is one of the objects of having a committee of experts in that way, not to fix it by Parliamentary legislation.

Sir *Charles Cameron*—continued.

7670. In fact, I suppose that you think what is desirable is, that the trader should understand what is meant by the different names, and that the object is not to convict a man because he fails to understand what the judge considers to be a given thing, but because he has wilfully disobeyed the law?—Yes.

7671. Mr. Jeffreys asked you about real milk and separated milk; but I suppose your proceedings in connection with the adulteration of that article must be governed entirely by the ability of the chemist to pronounce the presence of adulteration; that is to say, if you give to a chemist a milk containing certain ingredients, and he is unable to say that there is adulteration, you cannot institute any prosecution?—No, you cannot. The milk is of genuine quality, as the certificate runs sometimes, but of poor quality.

7672. But in the case you speak of, namely, a collector of milk who made a profit by extracting a certain amount of cream and leaving a sufficient amount of cream in to pass the analyst, would not the Act reach him?—No, I do not see how it could.

7673. As selling an article, not to the public, I know, from which some essential ingredient had been abstracted?—There you come to the question of standard again; the standard quantity of fat in milk or the amount of fat, as proved by analysts.

7674. Is it not rather that a man is bound to sell milk as it comes from the cow, and the collector is bound to sell milk as he gets it?—There is the question. If the milk is genuine, I do not see that you are bound to sell it as it is drawn from the udder of the cow.

7675. At all events, the thing has never been tried; the question has never been raised in connection with this matter?—I do not see how it could be proved. The milk may be a mixture of a very high-class milk from a Jersey cow, mixed with sufficient separated milk to bring it down to the quality of an ordinary cow, and no analysis would indicate that.

7675.* But there are other methods of proof, are there not?—I do not think that you would want to go behind that as long as the customer gets milk of a genuine quality, containing a proper proportion of what he purchases; because he purchases it for the fat; especially for children and for invalids you want milk which is a food; you do not want it simply as a coloured liquid; it has a food value, and you want especially to protect the poor in getting that good value, both for invalids and infant life.

Mr. *Jeffreys*.

7676. With regard to what you said just now, what do you call pure milk, genuine milk?—Genuine milk is the product of a cow that is perfectly healthy and has been properly fed.

7677. The product that comes from the cow?—Yes.

7678. Therefore, if you have taken part of the best qualities of that milk away from it, do you still call it pure milk?—It may have an excess of those good qualities.

7679. I am not going into that. I say if the milk comes straight from the udder of the cow

Mr. *Jeffreys*—continued.

and you take part of its best qualities away from it, would you still call it pure milk?—That individual sample as separated would not be so.

7680. Yet you said that you would allow it to be sold as pure milk?—No, it is mixed with other milk which contains an excess of fat.

7681. Then it is not pure milk?—It is analytically, chemically, and quantitatively perfectly genuine and pure as regards the average standard of cows.

7682. It may be sufficiently good for your purposes, but it is not pure milk?—I should regard it as pure milk.

Mr. *Bolitho.*

7683. You may level up as well as down; the mixture may really be the means of levelling the milk up to a higher standard?—Yes. If you mix the milk of a Guernsey cow and the milk of a Dutch cow together you get what would be the average milk of an ordinary cow; the one being deficient in fat, and the other in excess. I know a case in point. At the Royal Agricultural meeting held in Windsor Park, my brother showed a shorthorn cow which produced a most abnormal amount of milk. The agent was waiting to hear the result, whether it was going to get the first prize or not, and, I forget whether it was the analyst; but anyhow one of the head men came out and said to the agent, "If I had not seen the cow milked, you ought to have been prosecuted for selling milk of such poor quality." So you cannot lay down a standard except by an average of milks from, as I say, a herd of 40 cows.

Mr. *Jeffreys.*

7684. But have you ever thought of the danger that might arise of wholesale adulteration if you admit pure milk to be a mixture of pure milk and separated milk?—I have not gone into that point.

Sir *Charles Cameron.*

7685. I understand that you have explained your views to this effect: that in prosecutions (and that is the point you regard it from) you must be guided by what the analysts can detect?—Yes.

Mr. *Channing.*

7686. But the question I want to ask you on that is this: do your analysts in reporting on any sample submitted to them state their opinion that genuine milk, pure milk, has been mixed with separated milk in the case of a sample submitted?—No, they state that the milk is deficient in fat.

7687. That is to say, they only state the chemical proportions of fat and refrain from stating their opinion as to whether it is mixed with separated milk or not?—No, they do not state that. They state in certain analysis, where undoubtedly water has been added, which they arrive at during the process of analysis, that it is adulterated according to their judgment. It is a question of judgment.

7688. Then are we to take it that a case for prosecution is the falling below a certain standard of fatty and non-fatty solids?—That is one form of prosecution.

7689. And the other would be an excess of water over a certain proportion?—Yes; in the one case it is adulteration, and in the other case it is abstraction; it is not adulteration. Therefore it is equally bad; because we prosecute in the one case under the particular point "that it is not of the substance and nature of the article asked for;" and in the other case it is distinctly adulteration by the addition of water, and there we prosecute under the adulteration clause of the Act.

7690. What would you say then, in the cases which you act upon, is the amount of water at which you take action, and what would be the proportion of fatty and non-fatty solids at which you would take action?—With regard to water we have got prosecutions when the certificate states that there has been six per cent. of added water. About the fats I am not quite so certain? that is a very intricate point; it is a very delicate point, and the magisterial action has not been at all uniform on that point. But wherever we get down to 2·8 per cent. I think we should have successful prosecutions.

Mr. Alexander Wynter Blyth, F.I.C., called in; and Examined.

Sir *Charles Cameron.*

7691. You are Medical Officer of Health and Public Analyst for the Borough of St. Marylebone?—Yes.

7692. You are a Fellow of the Institute of Chemistry and Vice-President of the Society of Analysts?—Yes.

7693. Will you tell us what experience you have had as a public analyst?—I have had nearly 21 years as a public analyst.

7694. And how long have you held your post in St. Marylebone?—Fifteen years.

7695. You attended, I believe, the conference which has been alluded to by the last witness?—Yes; on the 22nd June 1894.

7696. Will you explain to the Committee the system which prevails in your borough in carrying out the Sale of Food and Drugs Act?—The system in Marylebone is that it is practically left to myself as analyst to carry out the Act. Having the double appointment of medical officer of health, and being analyst as well, the sanitary inspectors are under my direct supervision, and we have at present six; so that I direct them to take samples, and what samples they are to take.

Sir *Charles Cameron*—continued.

7697. Do you think that that conjunction of officers facilitates the working of the Acts?—It does in this particular instance. I do not say that because a man holds the position of medical officer of health he should also be analyst; it greatly depends upon the man, whether he is qualified to hold the two offices; but I certainly think

Sir *Charles Cameron*—continued.

think that that has been a convenient system in Marylebone, because the whole thing is practically under one's control, and we frequently employ agents. We have employed women to take samples as the agents of the inspector; we always take several times a year samples of milk on Sundays and on holidays.

7698. Is there not a theoretical objection at all events to the fact that you are more or less in the position both of prosecutor and expert witness?—Never as prosecutor.

7699. Not directly, but you order the sample to be taken?—Quite so.

7700. At a place which you suspect?—No, that is not so with regard to milk. I order the inspectors to visit every dairy in the whole of the parish; it is done methodically, and the only difference that we make is with regard to the black list. I keep a black list of all prosecutions, and with regard to that particular list they look them up rather often.

7701. Is there any other peculiarity in the Marylebone system of carrying out the Act, or is that all you wish to say on that point?—I think there is another point perhaps, and that is, with regard to the analyst being able to direct that samples be obtained. The analyst generally has access to special information with regard to the probability of certain things being adulterated If, for example, he knows that at a public auction large quantities of exhausted tea have been sold, or exhausted ginger, or exhausted caraway seeds, he can at once direct samples to be taken in his district, whereas if the analyst has to act under the direction of a committee, as he frequently has, I know in the metropolis and in other parts, that committee must take time to meet, and great delay is experienced; and I think that system is inconvenient.

7702. Is there much work connected with the office of public analyst in your borough?—What work do you allude to?

7703. I wish to know whether in a great place like yours, the fact of having the duties of two such important offices as public analyst and medical officer of health is not rather too much for one man?—You see I always have a thoroughly good assistant provided by the vestry, and the assistant does all the routine work. I never analyse any samples myself, save those that are reported to me as "probably adulterated," or "adulterated"; those are the only samples I really analyse with my own hands, the samples that I can go into court with.

7704. I suppose you have to analyse with your own hands everything you go into court with?—Certainly; it would be dangerous not to do otherwise. You may take it that of the 600 samples which we have analysed in the year, only from 20 to 30 have really passed through my hands.

7705. What other articles have you chiefly gone in for besides milk?—We have gone in for all sorts of things, butter, lard, spices, and drugs.

7706. Have you had many drug prosecutions?—No.

7707. Of what sort are the drug prosecutions; for selling as a citrate of some article that is not a citrate?—Yes, I have directed the inspectors mostly to purchase quinine and opium and the more expensive drugs; but we have found, according to my experience, that they have all been fairly up to the standard of the Pharmacopœia.

7708. Where have you got your quinine, for instance, from; from apothecaries?—From the retail shops; chemists' and druggists' shops.

7709. You want to say something about the question of limits or standards, I think?—I have a very decided opinion that it would be most desirable to lay down limits or standards of all articles that they can be laid down for, such as milk, butter, cream, and vinegar.

7710. I suppose, practically, you have to work on standards at the present time, the standards being those arrived at by appeals to Somerset House?—That is so; practically there are standards.

7711. Those standards are not acknowledged or published, but they are understood?—They are understood, and the trade perfectly well understand them.

7712. In this question of a milk standard, about which we have heard a great deal, that standard, of course, must be very low; it must be abnormally low; is it not the fact that in dealing with natural products the standards of richness must be fixed at a low point?—With regard to fixing a standard for milk, it is quite obvious that you may go upon two rather different principles. You may go first of all on the principle that we will fix the standard so low as to take in the lowest milk which an individual cow is ever likely to produce; or you may take it on the average of a herd of cows or the average of a mixed milk. My own opinion is that it would be better to take it not on the lowest standard that an individual cow would produce, but on a fair average standard; and then I should leave it to the tradesman; he is supposed to know his business, and if he sells the milk of a cow that produces a watery fluid through ill-health or through some abnormality, or some poor feeding, it should be an offence. Because when you buy milk you presume that you buy the average article, and therefore I should object to a standard based upon the peculiarities of individual cows.

7713. What is the standard at the present moment?—The standard at the present moment that we work to is a standard of 8½ per cent. solids, not fat, and 2½ per cent. of fat.

7714. Is that at all an average or a minimum standard?—That is not a minimum standard, and it is not an average standard, it is rather between the two.

7715. But it is lower than the average, is it not?—It is lower than the average, and I think it has been fairly proved by the Somerset House chemists that there are individual cows that will produce a lower milk than that standard; therefore it is not the minimum, and it is not an average. That standard I work to, and that standard I believe most of the analysts work to, if not all, now.

7716. You spoke of any milk dealer knowing his trade being able to bring up his milk to that standard;

Sir *Charles Cameron*—continued.

standard; but in the case of a small man selling milk from his individual cow as he got it, the proof that he sold it as he got it from cow would be sufficient to exempt him, would it not?—I should hope not, that is, after warning. I should say that there are simple processes by which a milkseller can know fairly well whether the milk is above or below the average, and if he sold milk below the average it would be his duty to say to the purchaser: "This milk is below the average; it is a good milk, it is a pure milk; it is milk from the cow with nothing added to it, but it is below the standard."

7717. Is not that rather changing the definition of milk as the product of the cow from being the product of the cow, to being an arbitrary composition fixed by an analyst?—It may be so.

7718. Have you had any representations from milk dealers as to the standard of milk being abnormally low?—No; I have not seen any at the vestry.

7719. I ask the question because I think that both in Bristol and in Glasgow the milk dealers wished for, I think, a 3½ per cent. fat standard to be adopted, urging that the dealers could easily bring up the richness to that, and saying that the low standard at present fixed led to their being supplied with a bad quality of milk. You have had nothing of that kind?—No, the vestry have not had any such representation.

7720. Then as to standards for other articles, have you had anything to do with cocoa prosecutions?—Yes, we have prosecuted in a certain number of cases of cocoa for admixtures of cocoa; mixed cocoa being sold without a label, and so on, as cocoa.

7721. What sort of cocoa was that?—Cocoa mixed with starch and sugar. The inspector has asked for cocoa and has been supplied with this mixture, but latterly we have not taken the cases up, because we are under the impression that a number of the public now when they ask for cocoa really mean mixed cocoa, and so it may be a technical offence, but we do not consider it is a real offence.

7722. You heard what Mr. Tatton-Egerton said about the right to use the word "pure" before "cocoa"; have you thought that out in connection with your standard itself?—I think with regard to the labelling generally that the label should fairly represent the composition of the article, and I agree with Mr. Tatton-Egerton that if you have a small percentage, say, of coffee and a large percentage of chicory, the proper way to call the mixture would be "chicory mixed with coffee," and not "coffee mixed with chicory."

7723. Can you conduct the analysis of a mixture of coffee and chicory with sufficient certainty to be able to tell exactly whether or not one article or the other passes the 50 per cent.?—Yes; you can ascertain it approximately. You cannot ascertain with any accuracy within one or two per cent., or anything of that kind, but you can state the amount approximately of coffee and chicory.

7724. Approximately?—Only approximately. There is no process known by which you can be absolutely certain about that.

Sir *Charles Cameron*—continued.

7725. I think you mentioned vinegar as one of the things for which you had a standard?—Yes.

7726. What is your view upon that article?—I think that the amount of acetic acid that constitutes the vinegar, and the amount of sulphuric acid that is admitted in vinegar should be laid down.

7727. You would admit sulphuric acid?—I do not think it is at all necessary; but there is no objection if it is defined. It might be a very small quantity, and it might be defined so that the purchaser should know exactly what he is buying.

7728. But the chief prosecutions, as I understand, in connection with vinegar have arisen in connection with its origin; that is to say, that vinegar has been sold as pure malt vinegar, or white wine vinegar, which was really prepared from acetic acid pure and simple?—Yes.

7729. How do you deal with that in your proposed system of standards?—I think it should continue to be an offence to sell vinegar as malt vinegar when it is really derived by a distillation process from acetic acid.

7730. Then is it your proposal that malt vinegar should be protected by having an exclusive right to use that name?—Certainly.

7731. And with regard to white wine vinegar the same thing?—Yes.

7732. But that the term vinegar generally should embrace acetic acid mixtures?—I think the term vinegar might embrace all mixtures with acetic acid; but I think that when you describe vinegar as malt vinegar, or white wine vinegar, or vinegar made from a particular sort of apple, as is done in Wales, the crab vinegar, the article should coincide with the description. In other words, the principle I think that should be borne in mind in framing Adulteration Acts, or any Acts of that kind is that the purchaser should always get what he asked for.

7733. Take the case of cream; how would you fix your standard of cream?—The standard should be fixed as so much per cent. of fat.

7734. Is there any standard at present?—There have been various proposals, but I really do not know as an analyst quite where to draw the line as to what is cream and what is very rich milk.

7735. Have you had any prosecutions in connection with cream?—No.

7736. You wish, I believe, to say something about the reference to Somerset House in disputed cases?—Yes; I do not object to the reference to Somerset House if there was a little modification in the procedure.

7737. What modification would you suggest?—I wish to say that the divergence of opinion that occurs from time to time between the local chemist (if I may so call him) and the chemist at Somerset House is due sometimes to a different interpretation on practically the same analytical results, or sometimes to a real difference in the results depending on changes by decomposition and the great difficulty and even impracticability of building, theoretically, up again, the decomposed article; and there are a small number of cases, of course, in which there have been real mistakes

Sir *Charles Cameron*—continued.

mistakes made by the local analyst, but I do not think that is very often.

7738. You propose that the local analyst should add to his own portion of the sample a preservative such as formaldehyde?—Yes, formaldehyde has been introduced rather recently as an antiseptic, and it is found to preserve samples of milk for rather a long time without any apparent change, some three or four weeks. My proposal, therefore, with regard to milk, is that if the analyst was about to give a certificate of adulteration he should take a weighed or measured quantity of his own sample, seal it up carefully, putting on the label the exact amount he has put into the bottle, and the exact amount of preservative; and he should be allowed to send that sample himself to Somerset House if there should be a reference to Somerset House, and at the same time to send the results of his analysis and the details of his analysis to be criticised by the Somerset House chemist.

7739. Are chemists agreed that this formaldehyde does not exert any such influence on the fats or organic solids of the milk as to interfere with subsequent analysis?—I have preserved samples myself; I have made experiments myself within the last three weeks, and apparently the milk undergoes no change; and three other chemists, working independently, have published the results that seem to them to be very favourable with regard to the complete preservation (fairly complete, that is to say); there is some slight change by oxidation of the milk sugar into lactic acid, but it is very slow; and a sample four weeks preserved by formaldehyde will give practically identical results with the sample analysed the day it was received. But how long (whether it is more than four weeks) I am not in a position to say, because sufficient time has not elapsed since chemists have turned their attention to this matter. But I have samples in my laboratory preserved by formaldehyde which I intend to examine in three or four months' time to see what limit there is with regard to the possibility of analysing milk preserved by formaldehyde.

7740. What is the composition of formaldehyde; does it contain anything that would add to the solids?—No, it is a volatile liquid, and it is used now by the trade to a certain extent to preserve milk.

7741. Have you anything to say, from the position of medical officer, on the use of formaldehyde?—All the aldehydes are poisonous more or less, but such a very small amount of this substance added to milk appears to preserve it that I do not think, with the very small quantity that is added, you could say that the milk would exert any injurious influence. Still, we have had very little experience at present of the use of formaldehyde as a preservative of milk, but I know it is being used.

7742. By the trade?—By the trade.

Mr. *Channing.*

7743. Largely?—I cannot say.

Sir *Charles Cameron.*

7744. Have they any information to allow them to use it with sufficient moderation, or is the price sufficiently high to prevent their using it?—There is a disinfectant on the market called formaline, which contains some 20 to 25 per cent. of formaldehyde, and I believe that is the substance they are really using. That, I should think, was very cheap, considering the small amount required to preserve milk.

7745. Has it been used as a preservative for other articles of food?—Yes; there have been a lot of experiments made in Germany with it, and it is being used very largely for preserving articles of food, as yet, so far as I know, without any ill effect on health, although it is poisonous.

7746. Do you think that the Somerset House chemists should also be empowered to call in expert witnesses?—Yes, I think so; because as to the Somerset House chemists, I say it is impossible for them to be an authority on everything, and it may be that some special article may be referred to them, and there is no statutory power, I think, for them to call in an expert.

7747. You suggest also, that in certain doubtful cases, before the vendor is summoned at all, a reference to the Government laboratory might be of service?—I think it would be very desirable, especially in regard to certain new products or new forms of adulteration. I think it would be desirable, before a prosecution was undertaken, that the local authority should have authority to ask the Somerset House chemists' opinion upon that particular article.

7748. I think it has been complained by analysts that the Somerset House people will not give their standards, for instance; is that so?—I have never found, myself, anything but the greatest courtesy with regard to the Somerset House chemists. I think if I applied to them privately they would give me any standard they adopted, or, in fact, any process that they adopted. I have had an interview once or twice with the Somerset House chemists, and they have always given me every information; but that, of course, is private information. So far as I know, they have not published their standards.

Mr. *Channing.*

7749. And you are not expected to publish them?—I do not know that. You could never publish a private conversation.

7750. You take what is given you at Somerset House as confidential, I mean?—Yes, that is what I mean.

Sir *Charles Cameron.*

7751. Then in your own case you cannot complain; in certain doubtful cases, before the vendor is summoned, you have practically all you ask for in this suggestion, because you can go to Somerset House and find out what they think on the subject, can you not?—I daresay I could, but I should think it would be exceedingly inconvenient if all the analysts in the kingdom had to run to Somerset House and have a conference. It would be an inconvenience on both sides, both to them and to Somerset House.

7752. Will you please explain exactly what you mean in your suggestion; your suggestion is that you are not at all sure that in certain doubtful cases, before a vendor is summoned at all

Sir *Charles Cameron*—continued.

all, a reference to the Government laboratory would not be of service?—For example, there are certain butters now on the market which are extremely low, and I believe they are adulterated butters. A confrère of mine, a public analyst, had a sample of such butter, and he consulted me about this particular butter. I analysed it, and I said, "Yes, that is a mixture; you had better go on with it." He gave his certificate; the vendor was prosecuted. This butter went to Somerset House, and the Somerset House chemists declared it was pure. In such a case as that I think it would have been better if the Somerset House chemists could have been consulted before the prosecution, because the analyst naturally had a sort of slur upon his analysis. These facts are not known to the public or the local authority, the fact being that this particular butter was analysed by two public analysts before it was referred to Somerset House, and yet Somerset House, after the examination of their sample, considered that it was not a mixture; whereas my confrère and I both consider it is a mixture, a small admixture of foreign fat, something like 15 to 20 per cent., with genuine butter.

7753. I suppose that the Somerset House people simply state that in their opinion it is not an adulteration; do they give any reason?—No, they do not; and of course I do not know their figures. It is always open to this: that one may be doing them an injustice; for it is quite possible that something has gone wrong with samples; that is to say, they may not have analysed the same butter really as my confrère and myself analysed.

7754. But that is a matter which practically would rectify itself after one such appeal had been taken, would it not?—I do not see that; because if this is a mixture people should not be allowed to sell it, whereas if it is not a mixture it is rather a pity to summon an innocent person.

7755. But did not the Somerset House people practically say this is not a mixture?—Yes.

7756. Then that settles the matter. Analysts knowing that their decisions were liable to appeal to Somerset House would be guided by that in their future action?—But how are the other analysts to know that?

7757. You have got societies, have you not?—Yes, but no paper has been read on this particular sample, and there is a large quantity of this particular butter now in London.

7758. What was the alleged adulteration in this case?—The alleged adulteration here was foreign fat, something like 15 to 20 per cent. of foreign fat being mixed with the butter. I am certain in my own mind that that butter is a mixture.

7759. Have there been any further analyses of that butter?—No, not of that particular sample, because it was all used.

7760. Then you think that in all cases, if required to do so by either prosecutor or defendant, a detailed account of the processes of analysis should be furnished?—I do; I think it is only fair.

7761. Would you please now let us know what you have to say about labelling the samples?—I agree with what Mr. Tatton Egerton has stated in his evidence with regard to labelling, but I should also wish to point out that that general sort of labelling which is so common now in public houses makes the Act inapplicable to spirits. In St. Marylebone lately we have not taken any prosecutions against a lot of licensed victuallers in my district who have sold diluted spirits, simply because there has been a general label up in the bar, "All spirits are sold diluted," and that seems to me to render the Act rather a dead letter with regard to spirits.

7762. But, as a matter of fact, are not spirits one of the few articles in which a standard is fixed?—That is so.

7763. And it is a pretty low standard?—It is rather a low standard, and that has worked very well from an analyst's point of view.

7764. But you say that publicans are not content with selling down to that standard, but they protect themselves further by saying generally that all spirits are diluted?—That is so.

7765. By the way, in connection with labelling, are you, as a practical man, of opinion that the proposal of the conference you refer to should be adopted, and that the proportions, say of coffee and chicory, or mustard and flour, should be stated on the label, or that simply the name of the preponderating article should go first?—I think the name of the preponderating article should go first, and I do not see that it would be necessary in mixtures, such as cocoa, mixed with starch and sugar, to state the proportions of all the ingredients; it would be quite sufficient to state the proportion of cocoa: "This contains 20 per cent., or 30 per cent.;" and so with coffee and chicory; if there was more chicory than coffee, the chicory might be put first, and the percentage of the more valuable article stated: "This is a mixture of chicory and coffee; coffee 20 per cent."

7766. There is another mixture which we have heard a good deal about; that is the mixture of butter and margarine; that, of course, is defined by law to be margarine, and not a mixture?—Yes.

7767. Have you any proposal to make with regard to that; would you treat it exceptionally, or would you treat it on the same general principle, selling it as a mixture?—I do not see any objection to selling it as a mixture; of course it would be called "margarine and butter; butter 40 per cent.," or 50 per cent., or whatever it was.

7768. Coming to colouring matter and preservatives, you say that the use of aniline dyes is becoming so general that you think the amount of colouring matter, as well as the nature of the preservative used, should be regulated?—Yes.

7769. Will you please tell us what you have to say about aniline dyes?—You find aniline dyes in almost everything that is coloured now in the way of foods. It is in brown sugar; they dye ordinary sugar to imitate Demerara sugar with a yellow aniline dye; and most of the bright coloured sweets instead of being coloured as they used to be with cochineal, and more harmless vegetable

Sir *Charles Cameron*—continued.

vegetable colours, are coloured now with aniline.

7770. Would you speak of butter as being in the same category?—Yes, and there is also a special aniline yellow which is used to colour butter; so that although in none of these instances taken by themselves with the aniline dye, even presuming it to be poisonous, would the consumer get enough to affect his health in any way; yet one cannot help thinking that if it is to be in every article, in all your sugar, in all your butter, and so on, and in every coloured article that is eaten, a person might in the course of a day consume an amount of aniline dye which, if the colours were poisonous, would be injurious to health.

7771. As a matter of fact, are the colours poisonous?—No, they are not, only a few of them. There have been a great number of researches into the poisonous nature of the aniline dyes, especially by Dr. Weyl. He has published a work in Germany, a monograph, on aniline dyes, and there are only a few of them that in largish doses cause illness. But at the same time I must say that these experiments have only been made upon what I may call acute poisoning; there have been no experiments, so far as I know, made by feeding animals for a long time on very small quantities, and so I do not know what effect on health that might have. But I do think that, considering that their use in articles of food is increasing, there should be some limit put to the amount used of certain of the aniline dyes, and those dyes that have been found to be poisonous should be prohibited.

7772. Then you have something further to say about antiseptics; the use of boric acid and boro-glycerine, and so forth?—The remarks made with regard to aniline dyes also apply to antiseptics. I think there should be some limit put to the use of antiseptics, whether by actually limiting the amount or by compelling the vendor to state the antiseptic used.

7773. I suppose salt you would start with as the first antiseptic?—Yes, but that has to be used in such a very large quantity to be antiseptic that the consumer at once detects it.

7774. With regard to these antiseptics, that brings forward a very important point, both the antiseptics and colouring matter. The Adulteration Act deals with two classes of admixtures, one the admixture of substances injurious to health, and the other the admixture of substances not injurious to health; have you ever taken any action under the first section for the adulteration of articles injurious to health?—I think I have in one or two instances, but it is a long time ago, and I do not remember the details. I think one was a case of lead in some article of food.

7775. And if you were taking any action in connection with either boro-glycerine or borax, or other antiseptic or aniline dyes or formaldehyde, would not that come rather within the first category?—It would, and there is the extreme difficulty of proving it, because it is a question of quantity.

7776. And a question of proof, of course?—Yes.

Sir *Charles Cameron*—continued.

7777. And I suppose it would depend very much upon the opinion of the particular judge who tried the case?—Very much.

Sir *Mark Stewart.*

7778. Do you think that if you had a larger force of inspectors you could put down the adulteration in milk?—I do not think that any amount of inspection would entirely abolish it; but you can control it a great deal, because in my own district we have very much decreased the sale of adulterated milk by the knowledge that the vendors have that they are constantly looked after.

7779. Are the premises where cows are kept inspected regularly?—Yes, they are inspected regularly.

7780. But that is by the Local Government Board?—No, we look after them as well; the cow-houses and the slaughter-houses.

7781. Are the cows there tested for tuberculosis?—No, they are not.

7782. Never?—Never, so far as I know; that would be a very valuable thing to have done.

7783. Can you give the Committee any information with regard to cows suffering from tuberculosis regarding the properties of their milk?—I think the only information that I can give (and, of course, that is second-hand) is from the recent Report of the Royal Commission on Tuberculosis.

7784. Can you say if it is a fact that cows suffering from tuberculosis give a large quantity of milk, and that that milk contains the germs of the disease?—They give large quantities of milk I know, because I have seen after death animals that have given a large amount of milk quite riddled with tuberculosis.

7785. And in the analyses that you have made of milk, have you ever found germs of tuberculosis?—I have never found any, because I have never looked for them; it is a most elaborate and difficult process to look for them, and, considering that we get something like 200 or 300 samples of milk a year, unless I had special information I should not look for that sort of thing. I never do get information as to the health of the cows, and much of the milk may come from very distant parts of the country, and most of it is the mixed produce of many cows; that is to say, we do not get the milk of individual cows.

Sir *Charles Cameron.*

7786. But, as a matter of fact, the presence of the baccilli of tuberculosis in milk would not constitute an adulteration?—No, it would not; it would be very difficult to know what to do with it.

Sir *Mark Stewart.*

7787. As a matter of fact, as I understand you, it is very difficult to detect the germs of tuberculosis in milk unless you specially examine for the purpose of detecting them?—That is so. The best way really would be to experiment on, say, a guinea-pig by injecting a little of the milk under the skin of a guinea-pig, and then you would have to wait three weeks or a month to ascertain whether tubercle was produced or not.

Sir *Mark Stewart*—continued.

7788. Why do you take a guinea-pig?—Because it is more susceptible to tuberculosis than any other animal.

7789. What would be your idea of setting up a standard; do you think that a standard ought to be set up at Somerset House?—I do not think that it really matters who sets it up.

7790. Because every chemist has his own standard, I presume, at the present time?—We are fairly well agreed on the particular method of analysis, and the standard below which we certify is as I stated 8½ per cent. solids not fat, and 2½ per cent. fat, for milk.

7791. Is not 2½ per cent. rather a low standard?—It is low.

7792. Why do you take 2½ per cent.; you think it is the lowest you can go to?—That is so.

7793. Does not that reduce the standard of milk very much below what it is naturally?—It does; but you must always remember that there is really a practical difficulty for the retailer to thoroughly mix the cream with his milk when he serves a customer. With milk standing in the pan and being sold in half pints as customers come in, after that milk has stood a little time the cream collects at the top, and the retailer gives it a stir round, but that does not thoroughly incorporate the cream in the milk in the same way as when it first left the udder; so I am afraid we shall always have to have a rather low standard for cream, from that circumstance.

7794. If the standard were fixed at 2½ per cent. for butter fat, do not you think that it would be hardly reasonable to expect the retail trade to sell it any higher, but they would always contrive to keep it down to the minimum?—You would think so; but I do not think the facts are so. It is well known in the trade; all the retail people know this standard of 2½, but an enormous number of milks that go through my hands show 3 per cent., 3½ per cent., and even 4 per cent. of fat; so that although it is well known in the trade that those are the standards, yet as a fact you get a large number of milks far above it.

7795. You say that the analysts in London are pretty well agreed as to what they are all doing?—Yes.

7796. How does that affect other parts of the country; have they their own standards?—I do not think so; I am analyst for the County of Devon, and I work the County of Devon by the same standard as my district in the Metropolis.

7797. Do you think that that applies also to the North?—Yes; the analysts generally throughout the kingdom fairly agree as to the composition of milk on which they will certify adulteration.

7798. Then you would not see very much use in embodying any such recommendation in the Act of Parliament, would you?—It is a very different thing to make it statutory. Now it is merely a matter of opinion; but if you make it statutory it is so simple in the way of evidence; all you have got to prove is that the milk is below the standard laid down by the particular statute; it simplifies the procedure.

7799. Do you recommend that course to be pursued by the Committee?—That is what I should hope the Committee would do.

7800. Rather than leave it to the Local Government Board or Somerset House?—I do not see why this Committee should not have sufficient evidence before them to fix a standard with regard to milk.

7801. But you think that now after so many repeated analyses we have come to some conclusion which may be considered practically trustworthy?—I do.

7802. Where does the aniline dye come from?—It is manufactured on a very large scale from coal tar; it is a product from coal tar; another name for the dyes are the coal-tar colours. There are according to the most recent list something like 254 distinct coal-tar colours in commerce to be bought now.

7803. And used in small quantities you do not think that it has any deleterious effect?—No.

7804. But used in large quantities you think it may have?—Used in large quantities I fear they may have; and I say that if they are to be put in every article of goods almost that we take, I can quite see that in the course of a day you may take a rather large quantity of them.

7805. You could not specify the quantity that would be injurious?—No, I cannot.

Mr. *Channing.*

7806. I understand that you think it would be advisable to have standards fixed by law with regard to all these principal commodities?—Yes.

7807. About milk, I think you said that it should be 8·5 and 2·5?—Yes.

7808. Are you aware that the Somerset House authorities, in the evidence from Somerset House laid before this Committee, state that the limit of fat has been altered from 2·5 to 2·75?—Yes, I know that; but I think, as I stated, that you must consider that in the selling of milk there is a practical difficulty in mixing the whole body of milk with the cream.

7809. But if you take such a very low standard as 2·5, which, as you have just said, is frequently exceeded by samples ranging over 3 and sometimes over 4 per cent., and fix it by law, would that not create a very strong temptation to adulterate all the milk down to that standard?—As I stated, you must look at the actual facts. You have a standard for whiskey, rum, brandy, and so on, but it is not the fact that the licensed victuallers throughout the country have watered or do water all their spirits down to that low level, and, of course, the same argument, if it applies, would apply to milk as it would apply to spirits. If the licensed victuallers throughout the country have not watered all their spirits down to the low limit laid down by the Act, why should the dairy people reduce their products down to the limit either?

7810. The point I am putting is this: under the present system there is some uncertainty and some obscurity as to whether a man would be convicted and at what point he would be convicted?—Yes.

7811. Whereas, if you were to lay 2·5 down by Act of Parliament, would not that give absolute

Mr. *Channing*—continued.

lute immunity for anything down to that point, however fraudulent it may be?—Yes, of course that applies to all standards. If a man keeps to it he is perfectly safe.

7812. Therefore, would you not anticipate that there would be a diminution in the quantities of milk which would sample at 3·0, 3·50 and 4·0 per cent., owing to the great temptation caused by the legalised standard being so low?—There might be; but I do not think that the public would suffer through that. They get such a lot of milk now that is below even that low standard of 2·5 that they would get that. If they got their 2·5 they must be satisfied.

7813. Your view is that it would cure more cases of evil going below the standard of 2·5 than it would tempt fraud in the interval between 2·5 and 3·0 per cent.?—Yes; and there is another point, that with men in a large way of business if they wish to increase their business they will secure a very good and superior article. A large dairy company would never be able to keep their business together if they reduced their milk down to those limits.

7814. We have had evidence from companies of course who have a very much higher standard, and you are aware, doubtless, that a total of 3·2 per cent. has been recommended by one witness here?—Yes.

7815. Do you think it would be impracticable to work?—I do not think so. Personally, as an analyst, I do not care what standard there is so long as there is a standard; but I think the standard ought to be as low as you can very well fix it, and my own opinion is that 2·5 of fat and 8·5 of solids not fat would be a fair limit, a low limit, I confess.

7816. I will just put this point to you: whether the law would not operate perhaps more satisfactorily if you had a standard of 3·0 per cent. (I do not say 3·2 per cent.) and you gave some special direction to the Court to have regard to the exceptional circumstances of any dairy or cow or anything of that kind; would you not in that way, by giving some elasticity of testing a cow or testing a dairy, arrive at a better average as a means of checking fraud?—I do not think that any proposal to give a certain amount of discretion to the Court would answer the purpose.

7817. Do you approve of the present law describing as margarine anything that contains foreign fat?—It has worked fairly well, I think.

7818. Would you approve of the addition

Mr. *Channing*—continued.

"margarine with an admixture of so much butter" as a sufficient description of the article?—Yes, quite, because it would be sold under a correct designation; and that is all one aims at, for every article to be sold for what it really is, not what it pretends to be.

7819. And you concur in the idea that the preponderating article should determine the name?—Yes.

7820. But you would not apply that to margarine, I understand, would you?—I do not know.

7821. You would not call it butter if butter was the larger component of the sample, would you?—I do not see why an exception should be made.

7822. That would be repealing the Act, which I thought you said you approved of?—I quite approve of the Margarine Act.

7823. That you know compels the seller to describe as margarine any article which has even a less proportion than half of margarine in it?—Yes.

7824. Do not you think that that is necessary in order to prevent fraud?—I do not think it is at all necessary.

7825. But you would not think it desirable to call an article with 40 per cent. of margarine and 60 per cent. of butter, "butter," would you?—No, you might call it "butter and margarine," that would be a correct designation; it would be butter and margarine.

7826. Would not any such system as that practically mean the breakdown of legislation altogether?—No, I do not think so; I do not think it would alter the practice.

7827. I want to ask you a question with regard to milk. Are you aware of the allowances made by the Somerset House analysts for the deterioration of samples?—I do not quite know the system there.

7828. You cannot express an opinion as to whether it is satisfactory or not?—I know it is not satisfactory with regard to decomposed milks, that I am sure of.

7829. As to the presence of these poisonous preservatives in milk and other food, do you think that they should be prohibited?—All those that are poisonous (they are very few in number) I think should be prohibited absolutely.

7830. The public are unaware in most of those cases, especially with new articles, of the proportion that might be injurious?—That is so.

7831. Would that be an additional reason for prohibiting their use?—Yes.

Mr. ALFRED WALTER STOKES, F.C.S., F.I.C., called in; and Examined.

Sir *Charles Cameron.*

7832. YOU are Public Analyst to the Parishes of Hampstead, Paddington, St. Luke, and Bethnal Green?—I am.

7833. How long have you held those appointments?—During the last 17 years I have been Public Analyst in Paddington; for about 14 or 15 years in Bethnal Green; I think about 10 or 12 years in St. Luke; and for the last two years in Hampstead.

Sir *Charles Cameron*—continued.

7834. And you have had a large experience, I suppose, as a public analyst?—Altogether over 25 years. I was for seven years previously with Dr. Stevenson at Guy's Hospital, before the Act came into operation in fact.

7835. You wish to support the prayer contained in a petition from the Vestry of St. Luke of 10th October 1893; would you please just mention to the Committee the most salient points

Sir *Charles Cameron*—continued.

of that petition. You are aware of the resolutions which were adopted by the conference of Vestries at St. George's, Hanover Square?—Yes.

7836. Will you tell us in what respect the petition of the Vestry of St. Luke differs from the resolutions arrived at by that conference?—I do not know whether you have gone into the question of the minimum number of samples.

7837. What have you to say upon that point?—At present the various districts appoint an analyst, but they give him no samples; they are obliged to appoint an analyst, but they get out of the difficulty by not giving him any work to do. If Parliament were to fix a minimum number of samples to be taken, say, so many per thousand of inhabitants, I think that would be a good thing.

7838. What minimum would you propose?—Per annum 1 sample for each 500 of the population. We do an average of 1 sample in 300 for all the parishes for which I am the analyst. More samples might be taken even than these if the authorities liked.

7839. You say that such articles as seidlitz powders, which do not divide readily, should not require to be divided?—Seidlitz powders, and powders containing acids and alkalis are in such exceedingly small weights that they cannot be divided into three and kept in three parts. I think it would be much better that each seidlitz powder should be taken as evenly mixed, and that a man should not be allowed to say that they were not properly mixed; that is his look out, if they are not.

7840. But are seidlitz powders an article that you frequently have to analyse?—Occasionally, not frequently; not so frequently as food, of course.

7841. Is there any other article to which that condition applies?—Such things as teething powders. I have had cases of that kind where teething powders have contained a certain amount of calomel. A case arose where the quantity of calomel was too large and where the child died, and the question was whether it was from the teething powder or from fits.

7842. Was that under the Adulteration Acts?—It was sent to me under the Adulteration Acts, but the proceedings occurred, of course, civilly, between the man who lost his child and the man who was supposed to have poisoned it.

7843. You support the establishment of a court of reference, I understand?—I think it is exceedingly necessary.

7844. You think that such a court of reference should fix standards and advise methods of analysis?—Yes; because if you adopt the old-fashioned method you get a certain result, and if you use a more modern method you get quite a different result. Then with regard to standards, it is true that the Society of Public Analysts have fixed upon a standard with which most of them agree, but the court of appeal is Somerset House, and we do not know what their standards are; they have never published them. They have been asked on several occasions to read papers before our society on questions of food and such subjects, but they have always refused either to appear or to give information *en masse* to all of us, although they will give it individually.

Sir *Charles Cameron*—continued.

7845. But I suppose, nevertheless, that the Somerset House standards are pretty well known throughout the body of public analysts?—They only get known by these cases in which disputes arise; they never get known otherwise.

7846. You suggest that the court of reference should advise methods of analysis?—Yes.

7847. Do the Somerset House people do that?—No; at the present moment I could not tell you how they analyse butter; I do not know how they do it, nor do I know their standard for milk; it varies with the season, but I do not know how they vary it, they do not tell us.

7848. As to their butter analyses, have their results been at variance with your own?—No, in my case; not with regard to butter.

7849. Is there any complaint throughout the profession of analysts that the results vary?—Yes, the complaint is that the Somerset House authorities do not use the modern methods in regard to butter.

7850. You also think that the wholesale dealers should be summoned whenever a warranty is pled?—Yes, because there is a certain wholesale firm of milk vendors who always give a warranty, and their retail customers always take the warranty because they know they are receiving adulterated milk, and this with a sort of wink: "You give us the warranty and we shall not press you for it."

7851. But I thought it had been decided that a general standing warranty for milk was not a good warranty?—No, it is given with each churn sent up.

7852. Can you give us a case of that which you know of?—Yes, I know of a firm who always plead the warranty and always get off. Then, too, the vendor, the country farmer, is quite safe, because the limit of 28 days prevents his being got at.

7853. That prevents the warrantor being found?—Yes.

7854. Would you propose to increase the length of the time limit to meet that case?—I propose that if a man pleads a warranty he should be obliged to produce the warrantor, who may at once be summoned.

7855. Are you of opinion that it is desirable to have general rules which will apply to all cases if we can obtain them?—Certainly.

7856. How would you apply that rule to other cases; take the case of a grocer who sells adulterated pepper, or something of that sort?—If he produces a warranty from a certain large firm that he received it from who warrant it, they should also appear in court.

7857. But you are aware, are you not, that in a great many cases there are a number of firms who do that. For instance, a firm sells lard warranted pure, and the retailer who has bought it does not plead warranty, but the wholesale man steps into his shoes and fights the case for him?—Yes.

7858. That is a very frequent thing, is it not?—Yes.

7859. Have

Sir *Charles Cameron*—continued.

7859. Have you come across such cases?—I have come across a fair number.

Sir *Mark Stewart.*

7860. In other cases, except lard?—There have been one or two pepper cases, I think.

7861. But not frequently?—No.

Sir *Charles Cameron.*

7862. Let us take the case of milk where a written warranty is pled. Is there any way at present of getting at the warrantor, or have you ever tried to get at the warrantor?—Yes, we have tried. Occasionally, but very rarely, we have got at him, because the thing has passed so rapidly that the limit of time has not elapsed; but in nine cases out of ten we have not got at him.

7863. But it is only in a case of milk that you have got at the warrantor?—In most cases we have not got at him; in nine cases out of ten we have lost him, and in one case out of ten we have got him.

7864. I want to know in what cases you have got at the warrantor when warranty has been pled?—In milk cases.

7865. Several times?—About once in ten times.

7866. How was it that you got at him in that exceptional case and were not able to get at him in the others?—First of all, the inspector takes a sample, and he brings it to me. I analyse it, I give him my certificate; and all that takes a week, say. Then he has to present that to the Sanitary Committee, which meets once a fortnight, and it may happen that he has just missed a meeting, and you come to three weeks. Then the Sanitary Committee advise the vestry to prosecute the vendor; but they only meet once a fortnight, and it may easily happen that the time within which they can prosecute the actual vendor, the 28 days, has elapsed.

7867. But the only obstacle which you say exists in these cases is the time, and nothing else?—Exactly.

7868. And if there were an extension of the time you do not see any difficulty?—Except that perishable articles would be getting worse and worse, and when you required the analyst's third of the sample it would be useless perhaps.

7869. Did you hear the suggestion of the last witness as to the use of preservatives?—Yes, I think that would be exceedingly unwise, because if you once allowed the analyst or anyone else to tamper with the sample, suspicion would arise as to what he did with it, and it would at once be said that he had an object in proving that it was a bad sample, and that he was not only putting in formaldehyde but also putting in water. You would have that said at once. It seems to me that you would get over the difficulty much more easily if you were to make it a condition, in the case of perishable articles, that the vendor (this is my proposal for an amendment of the present Act) shall be warned that his sample has been found to be adulterated (you need not state how) within one week of its purchase, and that he should then have the right to take his sample within the next week to the Court of Reference or to Somerset House. Then the sample would never be older than a fortnight, and the difficulty would disappear; the 28 days need not be brought in at all, and there would be no tampering with the sample on either side.

Sir *Charles Cameron*—continued.

7870. That alteration of the law you would only propose in the case of perishable articles?—Yes.

7871. I think the retailers are anxious to have a similar reduction in the time limit, are they not?—I think they are.

7872. And with that alteration of the law you do not see any difficulty in working the provision as to the warranty?—No, I do not think I do. Of course with regard to a warranty from abroad we cannot get at the manufacturer.

7873. But you would have to get at the nearest person, probably some agent in this country?—Yes.

7874. You propose, I think, that the fines imposed should be more uniform; but how can you secure that?—I can give you an instance in the same court; in the Marylebone Police Court Mr. De Rutzen, sitting one week, fined a man, for putting 70 per cent. of chicory into coffee, 2*l.*, although the man had marked it up "Sold as a Mixture," because coffee was asked for. In the same week Mr. Cooke sat (these are both cases of mine) in the same court, and dismissed another case, and put the vestry to costs, for 90 per cent. of chicory, though coffee was asked for. In one case you see the vestry had to pay the penalty, and in the other the offender had to pay the penalty.

7875. But I suppose you would look upon the one judge as a Daniel come to judgment, and the other party would take the other view?—I think there should be uniformity. Either the one man was unjustly treated who was fined 40*s.*, or the other man was unjustly let off.

7876. But you have cases of inequality of sentences in all courts?—I think that if a man is fined at all he should be fined a certain sum. I can give you another case in which a man came into court charged with selling an article containing 90 per cent. of margarine instead of 100 per cent. of butter. He pleaded that it was bought from the wholesale man as pure. The wholesale man appeared in court, and said that he had sold it to him; that he had committed the offence; and he offered to pay the fine. The magistrate fined those two men 1*s.* between them; that was in the Marylebone Police Court; 1*s.* for two men to pay for 90 per cent. of margarine.

7877. But the wholesale man was not really in the case?—No, he was not in the case; he appeared, and said that he was willing to take the blame and pay the fine. In that case, the offence and the fine are so absurdly disproportionate that one is surprised rather that there are not even more of such cases.

7878. I am afraid that unless you have the cases referred to this Court of Reference you will not have uniformity; have you any practical proposal for securing that uniformity?—No, except I think that the fine should not be less than a certain amount.

7879. You next wish to speak about the resolutions

Sir *Charles Cameron*—continued.

resolutions of the conference of the vestries, I think; we have heard a good deal about them and their main provisions, but I will just ask you this question: one of the suggestions is that an inspector may "take samples of food and drugs at any railway station, or other place where the articles are in course of delivery by consignors or wholesale dealers, whether within or outside of the district for which they are appointed, which may be consigned or addressed to any person or company within the limits of their respective districts"; do you think that that is a practical suggestion?—I think it is advisable.

7880. There is some provision of that sort relating to milk, is there not?—No; a sample may be taken at a railway station so long as that station is within the district of that particular inspector, but he cannot go out of his district at present.

7881. What are your views with regard to labelling mixtures; take the case of coffee and chicory?—Personally, I would not allow coffee to be mixed with chicory at all; if you ask for coffee, you have a right to have coffee, and nothing else.

7882. But if you prefer a mixture of coffee and chicory, what would you do?—Ask for a mixture.

7883. But you have got a certain principle adopted with respect to butter and margarine, for instance; you have got the principle of a declaration in legible type?—Yes.

7884. Do you think that that is sufficient in the case of such articles as an admixture of coffee and chicory?—No.

7885. You would adopt a different principle in that case?—No man says: "Try our celebrated 1*s.* mixture of coffee and chicory." He says: "Try our 1*s.* coffee," not a word about chicory; and when you get the packet, you find there is "chicory" on it. You did not ask for chicory, and you did not go to buy it.

7886. Take the case of cocoa?—Cocoa is necessarily a manufactured article.

7887. Cocoa nibs are not a manufactured article, are they?—I am speaking generally, of course.

7888. I want to see if you can suggest any general principle which could run through all articles?—No, I do not think I could.

7889. Are you in favour of the adoption of a special principle for each article?—If you like to call cocoa "cocoa," pure and simple, and all the others mixtures, it might do; but, unfortunately, the trade has got such names so fixed to these things that you cannot go back.

7890. Is it not pretty much the same with regard to French coffee or shilling coffee?—I do not think so.

7891. You do not agree, then, with that recommendation of the conference of local authorities with regard to mixtures?—If the mixture is allowed to be sold, then it should have these prominent names. I agree with that.

7892. But you cannot prohibit mixtures if they are declared, can you?—No, but they should not be sold as coffee. Ninety per cent of chicory is not coffee, although it is sold as such.

7893. Do you think it would be advisable to require that the percentage of the different articles should be stated on the label, or would you be content with simply putting the name of the preponderating article first?—I should think that the name of the preponderating article should be put first, and the percentage of the article that the person goes to buy should be put: "This contains not less than 10 per cent. of coffee," or "20 per cent.," or "90 per cent." I would not fix a hard-and-fast line, but not less than so-and-so, or not more than so-and-so.

7894. But you have not thought specially of the cocoa business?—It is very anomalous altogether.

7895. But it is very desirable, if possible, to get one rule that should cover these *quasi*-anomalous cases?—If Parliament will enact a law that only the nibs themselves, or, when broken up into flakes, may be called "cocoa," the thing is done.

7896. Then it would be said that you were interfering with the course of trade and disturbing a nomenclature which was well understood by the public, would it not?—I am afraid you must go by the labelling then, as you say.

7897. Then on the question of margarine, if you go by the labelling of the thing as what it is, are you in favour of continuing the description of margarine to what is not margarine, but an admixture of margarine and butter, or would you adopt the same principle and label it as a mixture, giving the percentage of the more valuable article?—No; I do not think that any mixtures of butter should be allowed at all; I think that any mixture of butter should be called margarine, and not butter. I think it is advisable, for the sake of the agricultural interests of England generally, that margarine and butter should be an exception.

7898. But there is no other reason for that, is there, except that?—There is the difficulty of the public detecting it. The public may detect coffee and chicory, perhaps, by taste, or by the appearance, but they cannot detect margarine pure and simple or margarine mixed with butter; therefore, if you once allow the thing, the thin end of the wedge creeps in, and it is hopeless to go back.

7899. I see that the seventh recommendation of the conference was that there should be a minimum penalty of 40*s.* You agree with that?—I think that that is very advisable. The magistrates have no guide at present as to what they ought to impose.

7900. You say that you are opposed to all the recommendations of the Metropolitan Dairymen's Association, 1895?—Yes.

7901. Will you tell us what you principally find fault with?—They recommend, first of all, that samples should be divided into four parts instead of three. That would place an enormous amount of difficulty in the way of the inspector. For instance, if you were taking 20 milk, that would require 80 bottles instead of 60, as at present, which is bad enough, and the expense would be increased, and they do not say what is to become of the fourth bottle. It is not to go to the analyst and it is not to go to Somerset House; they are to keep two of them. What for?

7902. I see that they propose that the certificate

Sir *Charles Cameron*—continued.

cate mentioned in Section 18 of the Sale of Food and Drugs Act, 1875, should be so amended as to provide that the percentage of total solids and fat contained in samples of milk bought for analysis must be given, as well as the analyst's opinion; you disagree with that?—Yes, I think that gives the legal mind the chance of playing with figures which they understand nothing about. The analyst must be the judge of whether it is a good or a bad sample; nobody else can be the judge.

7903. Then you do not agree with the last witness that the results of the analysis should be disclosed if wished?—Undoubtedly that should not apply always as a matter of course. Under the present Act the analyst can be asked at any time, and he must give the whole of his figures.

7904. I understood the last witness to suggest that that might be done regularly, but you do not agree with that?—No; if you fix a standard, then I do not see why you should not put in the figures; but so long as the standards vary from time to time, and are arbitrary almost, I do not.

7905. Are you in favour of fixing a standard?—Yes. Then I should not object to the figures being put down. Another recommendation of the milk vendors is that all the bottles shall be indelibly marked, and that all bottles should have a number on them. These bottles can never be used again, and it would only create needless confusion, and it would increase the expense enormously.

7906. I see that they also propose that for pure milk the standard should be fixed at 12 per cent. solids fat and 3 per cent. fat. Have you anything to say with regard to that?—Yes; that is very ambiguous. What they mean is that there should be at least 12 per cent. total solids, of which at least 3 per cent. should be solids fat; but they do not say that. If they had said 8·5 per cent. solids not fat, and 3·5 per cent. of solids fat, that would pass; but their wording is bad.

7907. But they do not appear to agree with you any more than you agree with them?—I think it is a very fair standard, if it is explained in the way I put it.

Sir *Mark Stewart.*

7908. The 12 per cent. to include the 3 per cent.?—Yes.

Sir *Charles Cameron.*

7909. That is an improvement upon the standard on which you work at present, is it not?—We are obliged to work down to the lowest standard that Somerset House will take.

Mr. *Channing.*

7910. You would prefer a higher standard?—Yes, and so would the trade, I know.

Sir *Charles Cameron.*

7911. I believe you are opposed to the suggested rules issued by the Local Government Board?—Yes.

7912. On what ground?—At the instance of Somerset House, the Local Government Board have issued to all the vestries a set of rules as to the quantities for analysis, and as to the method of putting up those quantities. The first rule is that the sample purchased under Section 13 shall not be less, in the case of milk, than a pint. In some districts, to buy a pint of milk would be

Sir *Charles Cameron*—continued.

at once to show the object for which you bought it. In St. Luke's, in which I am public analyst, they sell one farthing's worth of milk, and that is exceedingly important. That goes immediately into the baby's bottle, and the mother thinks it is much too rich, and so she adds water to it; and if it has been already watered, it is dreadful. But a farthing's worth of milk is not a pint, and we only buy small quantities. A case arose in April last in which Somerset House refused to analyse a sample because it was less than a third of a pint; it was only three ounces, and because they refused to analyse it the case was dismissed. Though I said it was a bad sample, and the vendor's analyst stated that it was a bad sample, yet the mere refusal to analyse the sample at all on account of its being less than the stipulated quantity made the magistrate refuse to convict.

7913. You say that the vendor's analyst said that it was a bad sample?—Yes, he said that it was watered; but Somerset House simply said, "We cannot analyse it; it is too small a quantity." Then, in regard to butter, they say that butter shall be bought in three-quarters of a pound and should be placed in wide-stoppered bottles. The expense would be enormous. Three wide-stoppered bottles would cost 1*s.* each, and the butter would cost 9*d.*; therefore, to take a sample of butter would cost 3*s.* 9*d.*, and it would be impracticable. We frequently go into coffee shops and buy slices of bread and butter; and to get three-quarters of a pound of butter you would have to buy a large number of loaves and put them into these bottles. It cannot be done.

7914. Do you take many of your samples from slices of bread and butter?—Yes, and if you get half an ounce of butter you can analyse it perfectly. We frequently have convictions in St. Luke's for bread and butter; butter, that is to say, sold as bread and butter in coffee shops.

7915. Did you ever by hotels?—I have had no experience at present of hotels.

7916. Have they ever been tried, so far as you are aware?—Refreshment rooms have been tried; I am not sure about hotels.

7917. Have you managed to bring up the quality of the butter, in the bread and butter in these coffee shops, to a good standard?—Undoubtedly. Some of these refreshment rooms are near enormous factories, and the men get their dinner, tea, and so on, solely at these places, and it is a matter of importance when they ask for butter that they should get butter. But these instructions from the Local Government Board would entirely prevent that being done.

Sir *Mark Stewart.*

7918. What is the date of those instructions?—They were sent out a year ago, and they are printed in this last Report of the Local Government Board upon the Sale of Food and Drugs Act (*handing in the same*). They are printed twice over, so important have they thought them.

Sir *Charles Cameron.*

7919. You say that the Adulteration Acts need amending in regard, first, to the form of certificate. What have you to say about that?—The certificate says at the bottom of it that

Sir *Charles Cameron*—continued.

supposing you find a sample bad, you have to say, according to the printed form issued by this house, "That the said sample contained the parts as under," which of course I could easily do if something were added to it, "or the percentage of foreign ingredients as under;" but if you abstract some of the cream from milk there are no foreign ingredients added to it. It is badly worded. We lost a case only a little while ago because the solicitor on the other side said that "the parts as under" meant what the milk consisted of altogether, the total analysis.

7920. You think that it should not be lawful for publicans to contract themselves out of the Act by setting up a notice that all spirits are diluted?—Certainly. If you are going to form standards for butter, milk, and so on, why should not all men put up a notice, "All the milk sold here is not according to standard," or "All butter sold here is not according to standard." It is no good making rules if you allow people to contract themselves out of them, and the only people who do contract themselves out are these publicans. I may say with regard to making a standard that it does not increase the quality of the article. In 1879, of 15 samples of spirits, my average strength was 8 per cent. under proof; that was before the amended Act came into operation. Now that the Act has come into operation my average is 27 under proof, all spirits. So you see when there was no fixing of standards at all of spirits the rivalry between tradesmen was to get the best article and to secure the most customers. Now that they have an Act they get the standard down as low as they can, and put up the notice, so that you cannot punish them when the spirits are below the legal standard. And certainly the object of the standard was that they should not sell below it.

7921. Would not a prosecution lie; we will say that a person asks for gin; the article supplied must be of the nature, quality, and substance demanded; that is defined by Act of Parliament; according to the principle which has been laid down in connection with coffee and chicory admixtures, it would be no answer to the charge of selling what was not of the nature, quality, and substance demanded, to say that you had a general notice stuck up, would it?—Unfortunately the magistrates rule otherwise, as you heard from the last witness, who said, "We do not take samples of spirits now for that very reason, that all the publicans have this notice, and you can do nothing with them."

7922. How does that work out, if a man in a coffee house stuck up, "All the articles sold here are mixtures of coffee and chicory," and he handed out a thing that was asked for as coffee without any label on it, he could be prosecuted, could he not?—Yes, because the law has said that he shall put a label on it; but the law says nothing about putting a label on spirits, and the publican therefore sticks up a general notice. I do not see why a big firm like Whiteley's or Shoolbred's should not stick up a notice, "All articles sold here are adulterated."

7923. If they did I do not think that would clear them from the Act, would it?—But the only article in which the Act states that there shall be a standard is that of spirits, and immediately the publicans contract themselves out of it.

Sir *Charles Cameron*—continued.

7924. But you have a standard of butter; the standard is one of "absolute purity"?—Yes, but the purity is not defined.

7925. Any admixture of margarine destroys the name of butter, according to the standard?—Yes, if it can be proved. In spirits we can prove that absolutely, but even then we lose our cases.

7926. You suggest that standards should be fixed for such articles as milk, spirits, sausages, &c.; what do you wish to say with regard to that?—I may say that throughout London about two years ago sausages were sold on stalls, which I analysed, and found to be seven-tenths bread, two-tenths fat, and only one-tenth actual meat.

7927. Would you go so far as to require a declaration of the animal which contributed the meat?—No, we cannot detect that. We can detect horse-flesh, but we cannot detect other flesh. I should say that a sausage ought to contain, at least, so much meat.

7928. What would be your standard of meat for a sausage?—I think it ought to contain half and-half; it should not contain more than 50 per cent. of bread.

7929. And you think you could have this court of reference to fix a standard for sausages?—They would fix various things. I only mention that among others.

7930. Are not sausages made of different things. For instance, I know that in certain parts of the country they make sausages out of blood?—They are called black puddings.

7931. And in some places white puddings are made with very little meat in them?—Yes.

7932. Another article is baking powder; I am very glad that you have got that down. Will you give us your opinion with regard to that?—At present it has been decided that alum may be allowed in baking powder. It is decided that baking powder is neither a food nor a drug, and therefore, it may contain alum. But directly it is put into bread it becomes an article of food. I think that such things as baking powder ought to be defined.

7933. Can you get at a baker who sells bread made with baking powder, on the ground that it contains alum?—Yes, you can; but on the other hand the housewife does not know there is alum in baking powder, and she buys the material and makes her own bread or her own pastry, and the community suffers, or her community suffers.

7934. You would wish it to be declared, I suppose, that alum was there and was injurious?—I would have baking powder brought in either as a food or as a drug, whichever you like, but it should not be left out in the cold as it is now.

7935. Which would you suggest that it should be, a food?—Yes, a food, I think.

7936. In that case would you require the alum to be declared, or the composition of baking powder to be declared?—No; immediately it becomes a food, and we can show that alum is injurious to health, it cannot be used.

7937. But that requires interpretation too. There are many foods that are injurious to health which are used. Some people say, for instance, that the food we were talking of a moment ago, spirits, is injurious to health, and yet its use is admitted?—Yes, I think that this court of reference would decide that certain things were or were not injurious.

Sir *Charles Cameron*—continued.

7938. All baking powders do not contain alum, do they?—No, certainly not.

7939. Only certain of them?—Yes.

7940. You mention salt in beer; what have you to say with regard to that?—At present we have no fixed standard as to how much salt there may be in beer. We have had several cases of dispute about that. The brewers have produced the waters of various districts which contain more or less salt, and we have analysed the sugar and various other things used, and the analysts differ very much as to how much salt may be allowed. It had much better be fixed, whether it may be 50 grains, say, to a gallon, or what it may be.

7941. Is not salt very much a matter of taste, whether a man likes it in beer or not?—No; in past times salt was put in to make a man drink, to make him thirsty instead of to quench his thirst, so that he might drink more. And it was also used as a preservative in bad beer.

7942. Talking of drugs in beer, they put in salicylic acid occasionally, do they not, to make it keep?—That has been said, but I do not think it is much used.

7943. Are there any other antiseptics which are used in beer?—They sometimes use sulphurous fumes, I understand, but not very often, or sulphites occasionally are used.

7944. Have you any suggestion to make about them, since you talk of salt?—No, salt is put in for a distinct purpose. Salt is thirst-provoking, instead of thirst-quenching, and it ought therefore to be a fixed quantity. Naturally there must be some salt; water contains some salt; but there ought to be a limit.

7945. With regard to acetic acid in vinegar that is simply put in to increase the strength of vinegar, is it not?—Acetic acid is an essential part of vinegar, necessarily produced in the manufacture of vinegar. Vinegar should have the minimum quantity of acetic acid it must contain fixed by law; because I have come across cases where pickles have gone bad on account of the vinegar being too weak in acetic acid to preserve them. Then as regards the origin of the vinegar, if it is made from malt it should be sold as "malt vinegar;" vinegar not made from malt should not be legally sold as "malt vinegar."

7946. But you would throw open the term "vinegar" to all vinegars made with preservatives?—All vinegars whose preservative action depends upon the acetic acid they contain might still be allowed to be styled "vinegar," but not "malt vinegar," unless made entirely from malt.

7947. You speak of fat in cheese; I suppose you refer to margarine?—No. At the present time there are some cheeses made that contain very little fat indeed, and yet they are sold under the name of cheese, in which you would expect to find cream added to the cheese. I think we ought to have some limit below which the fat should not be deficient in cheese.

7948. But a lot of that Dutch cheese is made of skimmed milk, is it not?—Yes; but even there there is some fat.

7949. Then do you not think that the demand on the part of the public for a given article under the name of cheese is sufficient to justify its being sold?—Undoubtedly; but the public have no right to be defrauded. When you buy cheddar or stilton you expect to get the peculiar varieties, and I think you ought to do so.

7950. So that you would go so far as to differentiate between different classes of cheeses, not on the principle of trade mark, but from an analyst's point of view?—I think it would be wise to extend the differentiation.

Mr. *Channing.*

7951. You have stated that you dissent from certain opinions with regard to the standards of milk, but have you stated your own opinion based on your experience?—I do not think I have.

7952. What would your opinion be with regard to that matter?—I think that a fair standard would be 8·5 per cent. of solids not fat, and 3 per cent. of fat.

7953. You do not think that that would lead to any substantial injustice to the sellers?—No; most milk is far above that.

7954. If a low standard was fixed for milk it would tend to create a greater temptation to fraud, would it not?—Undoubtedly.

7955. I understand that you are strongly of opinion that the principle of the Act, that the purchaser should have what he intends to buy guaranteed to him, is a sound principle?—It is the only principle, it seems to me.

7956. With regard to articles like cocoa, coffee, butter, and so on; is there any doubt in your mind that the vast majority of purchasers wish to obtain an article which is identical with coffee and pure butter and so on, and that that is their intention in going through the act of purchase?—Undoubtedly; and the purchase is made mainly by children, speaking of the poorer districts, who are utterly unable to read the notices which are stuck on the labels and packages; they have not time to do it.

7957. Would your opinion be that on the whole the law with regard to description should be rather strengthened than weakened?—Yes.

7958. Would not the description of things as mixtures, or by other vague terms, without a definite guarantee being expressed, which would be understood at once by the humblest purchaser, tend to facilitate and increase the number of frauds?—Certainly.

Mr. *Yerburgh.*

7959. With regard to the new regulations as to samples being sent up to Somerset House, I did not quite understand what the regulations were; I think you objected to them?—They were as to the quantities, that we must buy at least a pint of milk and divide it into thirds. In some cases it is impossible to get a pint of milk; but if Somerset House do not get their third of a pint they refuse to analyse it now, and the magistrates refuse to convict, although there is no evidence on the other side.

7960. And what is the recommendation with regard to butter?—That you must buy three-quarters of a pound of butter and put it into a wide-stoppered bottle, so that there must be three wide-stoppered bottles when it is divided into thirds.

7961. Under those regulations you can no longer, I understand, send butter up in paper?—No, nor in tins.

7962. Is it not the fact that when butter is sent

Mr. *Yerburgh*—continued.

sent up in paper the paper absorbs the acids of the butter, so that the sample does not represent the butter purchased?—I never heard of that. It would absorb some of the water. But there is grease proof paper now made, and commonly used for butter.

7963. With regard to packing butter in tins, is it not the fact that butter packed in tins is acted on by the iron through the action of the salt in the butter on the metal, and the butter is coloured by the iron?—If it remained in the tins long enough it would be; but in the time before analysis that would not take place.

7964. But still that action does take place?—Yes, but not within the time when the analysis must be performed.

Sir *Mark Stewart.*

7965. Have you had any experience of vitrol in whisky?—I have never found it.

7966. You have had samples of whisky, I suppose?—Numerous samples.

7967. What do you find to be the usual adulterant of whisky?—Water very largely.

7968. Nothing else?—No.

7969. I notice in this Annual Report of the Local Government Board that the percentage of adulteration in drugs is very much smaller in 1893 than it was in 1892; in 1893 it was 11·3, and in 1892 it was 20·4; how do you account for that; is the system better than it was?—I think you will find that when in one year there has been a run on any one article the next year that article usually amends.

7970. The two years you see are very much on a par with regard to the aggregate number of prosecutions?—Yes, I mean a run on the prosecutions; that when you have found a number of bad ones it frightens the trade and the next year they are better.

7971. I find that the most prosecutions are in milk?—Yes, milk is a staple article of food.

7972. And on butter and coffee?—Butter and coffee come next.

7973. And also on spirits?—Spirits are very largely adulterated.

7974. I want to ask you this question: will you insist on manufacturers disclosing to the public the ingredients that they put into their mixtures such as cocoa?—No, not necessarily.

7975. You merely wish then to identify the chief article that is put in?—The part that the person bought it for.

7976. Have you often had under your supervision as an analyst foreign manufactures such as cocoa?—Yes, imported cocoa.

7977. Do you apply the same test to them?—Yes.

7978. And do you find that they are adulterated more than British manufacturers or not?—Certain articles, such as lard and butter, are more adulterated from foreign parts than from English producers.

7979. Would you apply to them the system of warranty to enable the retail dealer to clear himself and to fall back upon the importer?—No, in the case of all food coming from abroad I would have it analysed at the port of entry where it lands in England.

Sir *Mark Stewart*—continued.

Mr. *Channing.*

7980. Do you mean every delivery?—No, I would have a system just as we have with tea. All tea coming into England is analysed at the Customs or the port where it lands, and in the same way the local authority might easily analyse all samples of lard and butter and foreign produce. At present the English retailer has to pay for the sins of the Dutch or American or some other individual.

7981. Supposing that there were a number of deliveries of small quantities would you insist on a sample being taken of each of those deliveries although they were covered by separate invoices?—The individual who has superintendence of that particular spot would exercise his judgment. He would know that certain consignments were likely to be adulterated. He could not analyse every article.

Sir *Mark Stewart.*

7982. You would leave that to the local authority?—Yes.

7983. But you would insist on the principle that all consignments of foreign goods should be inspected at the port of entry?—Yes; if not, then the English producer is at a disadvantage, because you can get at him and punish him; but the foreigner gives a warranty and you cannot get at him.

7984. And that warranty, if it passed the English Custom House, would be a sufficient warranty to clear the retail dealer, supposing that those goods were afterwards found to be adulterated?—Yes; but it would lead to this: that the retailer in England could not be touched if he sold foreign produce, whereas he might be touched if he sold English produce; and so he would always sell foreign produce to his advantage, but to the great disadvantage of the English producer.

7985. I do not see how it would injure the English producer; your argument is, that the retail trader has a warranty for every pound of butter that he gets from abroad?—Yes.

7986. And he has not got that warranty for what he obtains at home?—The English producer would not give him a warranty if it was a bad article. A foreign individual selling a bad article would give it or might give it, and he could not be touched. If an English producer gives a false warranty he can be got at, but a man in Holland cannot be got at.

7987. But the retailers would have to trust to the analysis at the Custom House to protect them?—Yes; you must refuse the article; that is all you can do.

7988. That would not be injurious to the English producer, would it?—If you did not do that it would; that is what I meant.

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APPENDIX, No. 1.

PAPER handed in by the *Chairman*, 20 March 1895.

London County Council (41 & 42 Vict. c. 74, and 49 & 50 Vict. c. 32) Regulations as to Dairies and Milk Shops.

Metropolitan Dairymen's Society, 191, Fleet-street, London, E.C.,
19 March 1895.

Sir,

By direction of the Committee of the Metropolitan Dairymen's Society, I have the honour to forward you a copy of suggested amendments to the above Regulations which I trust will meet with your careful consideration, viz. :—

1. That the licensing of all Dairies and Milk Shops, including all premises coming within the definition of a "dairy" as given in the Public Health (London) Act, 1891, be transferred, so far as the Metropolis is concerned, from the County Council to the Local Authorities.

2. That a fee of One Pound per annum be charged in respect of each license issued, the revenue so derived to be applied by the Local Sanitary Authority towards the expenses of Inspection.

3. That, with a view to the more effectual registration of persons vending milk, it be provided that every person who vends milk in the streets or delivers the same at any house shall be required to wear a metal badge denoting the licensed dairy from which the milk is supplied, such badges to be issued by the Local Authority, upon payment of a fee of Two Shillings and Sixpence for each badge.

4. That all cans and receptacles used for the purposes of the trade for the conveyance or sale of skim or separated milk shall be clearly labelled to this effect with inch letters in brass on the can or receptacle, or on a canvas label attached thereto.

I have, &c.
(signed) *Robert Wills*, Secretary.

APPENDIX, No. 2.

PAPER handed in by the *Chairman*, 20 March 1895.

Sale of Food and Drugs Acts.

Metropolitan Dairymen's Society, 191, Fleet-street, London, E.C.
19 March 1895.

The following proposals, with reference to the amendment of the Sale of Food and Drugs Acts, have been agreed to by the Committee of the Metropolitan Dairymen's Society, for the purpose of being laid before the Select Committee of the House of Commons on Food Products Adulteration, by the delegates appointed to represent the Society, viz. : Mr. Alfred Tisdall (Chairman) and Mr. F. J. Lloyd, F.C.S. (Consulting Chemist) :—

1. That the provisions of Section 14 of the Sale of Food and Drugs Act, 1875, be amended, so as to provide for the article purchased for analysis by the Public Analyst being divided into four instead of three parts ; and for two parts instead of one part, being delivered to the Vendor or his Agent.

2. That the provisions of Section 14 of the Sale of Food and Drugs Act, 1875, be still further amended so as to provide that the person purchasing, for local authorities and other public bodies, shall not be allowed to retain possession of any sample of milk, but must give both the samples into the hands of the person appointed to hold the same by the said local authority or public body.

3. That the Certificate mentioned in Section 18 of the Sale of Food and Drugs Act, 1875, be so amended that the Percentage of Total Solids and Fat contained in samples of milk, bought for analysis, must be given, as well as the Analyst's opinion.

4. That the provisions of Section 3 of the Sale of Food and Drugs Act, 1879, be amended so as to provide for the division of any sample of milk, taken at the place of delivery, into four parts, as in the case of a sample purchased under Section 14 of the original Act, and where the said sample is taken at a Railway Station for two parts to be left with the Station Master, or his deputy, for the Vendor.

5. That the bottles or other receptacles, used in the taking of samples of milk, be permanently stamped with the reference number, so that the possibility of any mistake, arising as regards the official numbers of the samples, may be more effectually guarded against.

6. That the Local Authority be required, in all cases where samples of milk, taken under the Acts, are found to be adulterated, to notify the fact to the Vendor of the sample immediately upon the Certificate being issued by the Public Analyst.

Further, That a Standard for pure whole milk be fixed as 12 per cent. Solids containing 3 per cent. Fat.

Robert Wills, Secretary.

APPENDIX, No. 3.

PAPER handed in by the *Chairman*, 20 March 1895.

In Parliament, House of Commons.

To the Honourable the Members of the Select Food Products Adulteration Committee.

The Petition of the Butter Association,

Humbly sheweth,

1. That your Petitioners represent the principal butter importers and merchants of London, and are therefore deeply interested in all actual or contemplated legislation affecting the sale of butter and butter substitutes.

2. That your Petitioners recognising the flagrant contravention of the Sale of Food and Drugs Act and the Margarine Act, and deploring the ineptitude of the local authorities charged with their enforcement, have recently formed themselves into an association to safeguard the interests of the butter industry, by the prosecution of offenders against existing Acts of Parliament, and by the promotion of what further legislation may seem necessary.

3. That your Petitioners contend that there is a widespread and comparatively unchecked system of fraud prevailing, as is evidenced by the fact that within the past four weeks the Butter Association has been furnished by its inspector with evidence of over 50 separate offences against the Food and Drugs Act and the Margarine Act, within a very small area of London, and in respect of which legal proceedings have been and are being instituted.

4. That your Petitioners would urge upon your honourable selves, in determining what further legislation may seem necessary, in the interests of agriculturists, traders, and the public, to have regard to the views of your Petitioners.

(*a.*) That the fraudulent sale of mixtures as butter is interfering seriously with the dairy industries of this country.

(*b.*) That the compounding of margarine with butter should be absolutely prohibited, the doing so to be constituted a penal offence.

(*c.*) That while argument may be adduced in favour of permitting the sale of mixtures, the experience of years has demonstrated to your Petitioners that the facilties for, and the temptation to, traders to defraud is so great, and the means of its detection so limited, that your Petitioners are unanimous in believing that an honest trade can only be maintained in the two substances by prohibiting their mixture, under heavy penalties.

(*d.*) That there already exist precedents in the laws of continental countries to justify the Committee in recommending this course.

(*e.*) That the imposition of fines having in the past notoriously failed as a deterrent, the profits from misrepresentation being too great, a period of from one to three months' imprisonment, without the option of a fine, should in future be prescribed for all offences other than the first and second.

(*f.*) That wholesale or retail traders in margarine be required to procure a license, notification of its possession being displayed prominently upon the premises.

(*g.*) That existing Acts have not produced the results anticipated, and that in large measure for the following amongst other reasons :

(1.) That local authorities have been indifferent to the exercise of the powers conferred, or remain purposely inactive.

(2.) That, admitting scrupulous integrity on the part of the inspectors, they soon become known (apart from the fact that they are clad in uniform), and the object of their appointment is thus frustrated.

(3.) The failure of Her Majesty's Board of Customs to take samples on importation.

(*h.*) That with respect to the duties of inspection your Petitioners would suggest consideration of amendments in these directions :

(1.) The charging of county councils, and not local vestries, with the duties of inspection.

(2.) The supplementing of such inspection by a staff of travelling inspectors, to be appointed by the Home Office or the Board of Trade.

(3.) That women as well as men inspectors be appointed, all inspectors to be in civil dress.

(4.) That Her Majesty's Board of Customs should be called upon to exercise the power of supervising labels and brands of packages, and of detaining goods in transit for analysis.

(*i.*) That a particular class of package be prescribed, in which margarine should be supplied, in consequence of the, at present, common imitation of butter packages.

Your Petitioners being firmly convinced that further legislation is demanded, in the interests of agriculturists and the public, no less than for the maintenance of honest trading, humbly pray that you will give careful consideration to the views here set forth.

And your Petitioners will, as in duly bound, ever pray, &c.

Given by special resolution on behalf of the Butter Association under the hand of its Chairman, this Nineteenth day of March, One thousand eight hundred and ninety-five.

E. H. M. Deany, Chairman.

APPENDIX, No. 4.

PAPER handed in by Mr. *J. T. Horner*, 20 March 1895.

THE DAIRY TRADE AND CAN PROTECTION SOCIETY, 57 and 58, Chancery Lane, W.C.

The Dairy Trade and Can Protection Society (Limited by Guarantee).

Incorporated 11th April 1891.

Suggestions for the Amendment of the Sale of Food and Drugs Acts, 1875 and 1879.

1. That the present Acts should be repealed, and the law consolidated into one Act.

2. That such Clauses of the present Acts as do not require Amendment should be re-enacted and embodied in the proposed new Act, together with such new or amended Clauses as experience has shown to be necessary.

3. That special Clauses dealing with milk should be inserted in the new Act as is at present the case relative to tea.

4. The suggestions for Amendment submitted by this Society are as follows :—

1875 Act. Section 1.—Insert the word "Milk," shall mean pure whole new milk only.
The words "Separated Milk," shall mean milk from which the whole or the major part of the cream or fat solids have been removed by mechanical or other means.

Sections 6.—(1.) The introduction of words which shall make it clear that the "Seller" of the milk is the beneficial owner for the time being and not the actual physical seller if an employé only. (2.) The increasing of the penalties generally, especially for second and subsequent offences.

Section 9.—Insert the words "having knowledge of such abstraction" after the word "person" and before the words "shall sell" in the fourth line of the said Section.

Section 13.—Insert after the words "Execution of this Act" in the fifth line the words "or any officer or person appointed by any Traders' Association or Society having a membership roll of 100 members and upwards ;" and after the words "such officer" in the twelfth line "or Traders' Association or Society." Insert after the first paragraph of the Section "As to samples of 'Milk ;' the bottles containing the samples shall, in the presence of the seller or his agent, be placed in a linen-lined envelope, which shall be securely fastened and sealed."

Section 17.—To be amended in conformity with Section 13.

Section 18.—Strike out the words "or to the like effect."

Section 20.—Insert at the end of the first paragraph, "The information to the Court and Summons to the Defendant shall include a copy of the Analyst's figures showing the constituent parts of the article in respect of which the proceedings are taken."

Section 22.—Substitute the word "shall" for "may" in the third line, and delete the words "in their discretion" in the same line.

Section 23.—The word "three" in the sixth line to be altered to "seven," and provision to be made for a person convicted by a magistrate succeeding on appeal in obtaining a quashing of such conviction being repaid his costs.

Section 25.—The addition of the following words, viz., "Any warranty embodied in a written agreement for a continuous supply of milk shall be deemed a sufficient warranty under this section of all milk delivered under such agreement."

Section 26.—To be amended so as to include the following :—"In proceedings instituted by Traders' Associations or at their direction, the whole or any part of any penalty imposed and recovered under this Act may, if the Court shall so direct, be paid to the person who proceeds on their behalf to reimburse him for the legal costs of obtaining the Analysis and any other reasonable expenses to which the Court shall consider him entitled."

Section 27.—Insert between the words "every person who shall" and "give a false warranty" in the first line of the third paragraph the word "wilfully."

Act 1879.—Sections 2 to 5, inclusive, to be amended so as to provide the right of any person purchasing milk under a continuous contract, on tendering a fee of not more than five shillings, to demand and receive from the local authority of the district the services of the officer charged with the executon of this Act, and being so amended to be, with the whole of the remaining Clauses of this Act, consolidated with the previous Act, as previously recommended in paragraph 2 of these suggestions.

New Clauses.—The following new Clauses are submitted for consideration :—

1. That the composition of "Milk" should consist of not less than the following constituent parts in every 100 parts, viz. :—

Minimum solids, not fat - - - - - - -	8·50
Minimum solids, fat - - - - - - - -	2·50

and that all milk sold and described as above mentioned, which, on analysis, fails to satisfy this standard shall render the seller liable to prosecution and the penalties by this Act provided.

2. No person shall sell, or offer for sale, any condensed or evaporated milk, unless the same shall be put up in sealed tins, vessels or other packages, and every such package containing condensed or evaporated milk shall have a label thereon showing in clearly printed characters the constituent parts thereof and the proportion of each of such parts to the whole, under a penalty not exceeding Twenty Pounds.

3. Any person who shall add water or other adulterant to, or abstract the fat from, milk, the property of his employer, shall be liable to a penalty not exceeding Twenty Pounds, or to imprisonment without the option of a fine.

4. No person shall sell, consign, or deliver by wholesale any separated milk, except in churns or vessels bearing upon them longitudinally the words "Separated Milk" in black letters of at least two inches in length, and no consignee shall receive any such separated milk except in churns or vessels so marked. Any person who shall be convicted of an offence under this section shall be liable to a penalty not exceeding Twenty Pounds.

5. No person shall sell by retail separated milk except from vessels bearing upon them the words "Separated Milk" in indelible letters of, at least, one inch in length, and any person who shall be proved to have mixed separated milk with whole milk shall be guilty of an offence against this Act. The penalty for either of the foregoing offences shall be a fine not exceeding Twenty Pounds.

6. When an employer is charged with an offence against this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge, and if after the commission of the offence has been proved, the employer proves to the satisfaction of the Court that he had used due diligence to enforce the execution of this Act, and that the said other person had committed the offence in question without his knowledge, consent or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.

7. If and whenever it shall be proved to the satisfaction of the Court that a defendant then before it is guilty of wilful and systematic offences against the provisions of this Act, the Court may in its discretion impose a sentence of imprisonment with or without hard labour for a term not exceeding twelve months, instead of or in addition to the penalty provided.

By Order of the Committee,

2 August 1894. *Jno. T. Horner*, Chairman.

Confirmed at the Council Meeting of the Society, held 2nd August 1894.

G. Titus Barham, President.

APPENDIX, No. 5.

PAPER handed in by the *Chairman*, 26 March 1895.

SUGGESTED AMENDMENTS to the Sale of Food and Drugs Acts, 1875 and 1879, by the Manchester and Salford Milk Dealers' Association.

Amendment Act, 1879. Section 3.—We recommend that food inspectors under this clause shall have power to procure samples of milk at railway stations or other places of delivery, whether in or out of the jurisdiction of the local authority appointing such food inspector, and the samples of milk shall be analysed, notwithstanding the analyst is not the analyst of the district.

If food inspectors could follow up adulterated milk to its source it would make the detection of adulteration much more easy; all the samples of milk taken at different times, but connected with one case, would be in the hands of one authority, and would all be analysed by one analyst and one method. This arrangement is absolutely necessary if innocent tradesmen are to be protected.

A new compulsory clause.—When the food inspector has purchased a sample of milk and submitted the same to be analysed, and the analyst has given his certificate, from which it may appear that an offence against some provisions of the principal Act has been committed, he shall report to the person causing the analysis to be made to follow up the consignee's milk, who shall procure at the place of delivery, whether in or out of the jurisdiction of the local authority appointing such food inspector, any sample of any milk in course of delivery to the purchaser in pursuance of any contract for the sale to such purchaser of such milk; shall submit the same to be analysed, and the same shall be analysed, notwithstanding the analyst is not the analyst of the district.

A new compulsory clause.—When the analyst, having analysed the two samples of milk, shall have given his report of the results, from which it shall appear that the two samples are substantially alike, though an offence against some provisions of the principal Act has been committed, yet the milk dealer shall be discharged from prosecution, and shall not be liable to any costs, because he had no reason to believe, at the time he sold the milk, it was otherwise than as demanded of him by the prosecutor, and that he sold it in the state in which he received it from the vendor.

These two clauses are intended to give greater protection to dairymen. We are entirely in the hands of the farmers for our milk supply, whether it is good or bad, and this is the only practical way we have of proving satisfactorily that we sell the milk in the same condition as we receive it. Some authorities take samples of milk from dairymen, and, when these samples are found adulterated, prosecute the dairyman, and think it no part of their duty to take samples of the farmers' milk, though the amended Act of 1879 was passed for this purpose. The principle of these two clauses has been carried out in this neighbourhood almost daily without friction of any kind. We shall always have this law with us, but we cannot expect to always have wise officials to carry it out; therefore nothing should be left to chance or favour that can be avoided.

As proof that the dairy trade requires special protection, we have had 6,790 samples of milk analysed in 13 years, and 2,175 were under the standard.

The written warranty has been looked upon as the greatest safeguard to tradesmen in the Act, but it has not proved so great a boon to dairymen. The farmers object to give them, and when they profess to send them, do so irregularly; but taking samples at the railway stations has practically superseded them.

A standard for milk is both important and desirable, as it leaves the trade unsettled, the difference between night's and morning's milk, and between different farmers, is quite sufficient to place both dairymen and small shopkeepers in danger of being fined for adulteration. If we had a uniform standard for both public analysts and referee chemists it would create confidence in the trade, and there need be no fear of injustice to either dairymen or farmers, for the dairyman could appeal to his milk supply, and the farmer could appeal to the cows.

We desire to call your special attention to a serious omission in the Act of 1879, where the law allows food inspectors to take samples of farmers' milk, but gives no instructions to leave a duplicate sample for the farmer, or even to give him notice that they have taken a sample; and to serve him with a summons 28 days after for something that he does not even know about is a very hard case.

APPENDIX, No. 6.

PAPER handed in by the *Chairman*, 26 March 1895.

The MEMORIAL of *Andrew Brown*, of Magherafelt, in the County of Londonderry, Ireland,

Humbly sheweth,—

1. THAT Memorialist is a butter shipper and a butter merchant.

2. That the butter trade in which he is engaged has been in a depressed condition for a considerable number of years, owing, in part, to the imports of continental and other foreign butters (into the English and Scotch markets), with which Irish butter has not been, in some instances, of sufficiently good quality to compete successfully; this applies to small farmers and others who may not have large herds of cattle.

3. That this competition does not prevent the sale of every class of Irish butter at its market value.

4. That margarine, and margarine compounded with butter, being goods that by colouring can, so far as colour is concerned, be made to look so much like genuine butter that the consumer (not being an expert) is imposed upon and defrauded, and the butter trade is losing so much of consumption, and so much of discredit to the butter trade, by the use and experience of those who are defrauded, by having sold to them a very inferior article of food instead of pure butter.

5. That various means which have been adopted for the purpose of preventing margarine and mixtures from being sold as butter have not served the desired purpose.

6. That margarine, being a manufactured article, may and should be made of a colour different from the colour of butter, and should not be of such a colour as would lead the purchaser to be defrauded.

7. That such a law as would put an end to the frauds that are now possible and practicable consequent merely and only on the fact that margarine coloured as butter makes the inlet for fraud, where a different colour would prevent the possibility of fraud.

8. That Memorialist believes, and is confident, that if the Commission in its Report will recommend legislation in the direction indicated, that dishonest trading in this article will be completely suppressed, and the butter trade and all those connected with it will be largely benefited, and margarine dealers will be occupying that place in the market as honest men, selling their goods for what they really are.

9. That, in adopting the terms of this Memorial, the Commission will solve a difficulty which heretofore has acted very unfairly towards the consumer, and also towards rival industries.

10. That Memorialist is prevented by ill-health from appearing before your Committee to give evidence on this most important subject, but he hopes that the subject will receive the consideration to which it is entitled, that justice may be done to all parties.

And Memorialist will ever pray.

Magherafelt, 20 March 1895. *Andrew Brown.*

APPENDIX, No. 7.

PAPER handed in by Mr. *R. H. Slater*, 3 April 1895.

(Copy.)

Dear Sir, Rennes, 10 July 1894.

We quite approve of the campaign against the fraud in butter which has now been taken up in England, and trust it may be successful, for it is high time to put a stop to the practice of many unscrupulous shippers who are ruining honest tradesmen by selling under the name of pure butter, and often *under the best known brands*, butter containing a large proportion of margarine, oleo, grease, or other foreign impediments. The result of this fraud in Brittany, and especially in Rennes (where, we believe, most shippers of butter to be perfectly upright), has been disastrous for several years past, and particularly so during last year. After being amongst the largest exporters of Rennes butter to England, we have seen our trade decreasing to an enormous extent simply because we have wished to remain honest and give our buyers the genuine article. All honest shippers complain of the same thing, and we know the exports of butter from St. Malo have greatly declined. But whilst honest shippers saw their trade diminishing, others, less scrupulous, were augmenting theirs. The following facts can give an eloquent idea of what has been going on. For several years past the leading firms of Normandy have had agents on our markets who have been buying largely *at any price*. During the past winter more especially the most exorbitant figures have been obtained here through these buyers, and it made it a perfect impossibility for any *honest* Rennes shipper to do any trade with England for several months. One shipper alone in Rennes was doing some business. We presume the reason of this curious exception would not be very difficult to find out. After seeing the prices that have been paid here by Normandy buyers, if we compare them with the *highest quotations* for so-called Normandy butters in London at corresponding periods, we are simply astounded at the fact that often the London quotations are under the price that the Normans are paying *here* for butter, and that, when they are not cheaper, the margin is much too small to pay all the expenses (freight from Rennes to Normandy, working and packing of butters, freight to London, &c.). Anyone can verify our statement by comparing the official quotations here and in London. As it is evident they would not continue if they were losing money, they must find means of diminishing the cost price of butters, and this must necessarily be obtained by adding a cheap produce to it (margarine, vegetaline, grease, oleo, &c.), we do not see any other way of explaining the thing.

Another curious observation can be made. Since butters here have become very cheap, Normandy shippers have stopped buying almost entirely, no doubt because they could not diminish cost price by adding margarine to it, both articles being almost quoted at the same figure, and also on account of the difficulty of making a proper mixture during the warm weather.

Finally, we must state the recent convictions of Pissob, Levigoureux, which come and prove the shameful way in which fraud has been practised in Normandy. We are certain many others were as guilty as these. Now what is to be done to put an end to this state of things? To begin with we must say we do not think the French Parliament will move before they are bound to do so by the measures taken by the English Parliament against frauded butters coming into the country. The present Margarine Act is certainly insufficient. We think a very energetic law is wanted in England to prevent frauded butters being imported as pure, but we know the difficulty is very great, as from the reports of most eminent analysts it may be considered an impossibility to detect less than 10 per cent. foreign fat in butter. The new law should therefore be as much as possible a *preventive one.*

1. Why not prevent a merchant from selling at the same time butter and margarine. This would put an end to the excuse given every day to a food inspector of the label having been forgotten, &c., &c.

2. The make a sale of so-called mixtures, which often contain 100 per cent. margarine, ought also to be strictly forbidden, such as it is in Germany and in Denmark.

3. Finally, the colour of butter given to margarine should be prohibited. Let margarine keep its natural colour, which is very different from that of butter. Why has it ever been coloured yellow, if not with a view to pass it as butter and facilitate the fraud. We do not ask for the suppression of margarine, but we ask for it to be sold as such, and that no facility is afforded to fraud. Perhaps it may seem to some the measures we propose are very radical; but we think only radical measures can be of any use in the matter (this is amply proved by the insufficiency of the present law), and should not very severe measures be taken shortly both in England and in France to prevent the continuation of the present state of things, it is evident that the honest shipper will have nothing to do but to close his establishment.

In hopes that this letter may be of some use to you in obtaining a satisfactory result to our claim for the advantage of all those who wish to walk straightforwardly in England as well as in France.

We remain, &c.

To Mr. Slater, Rennes. (signed) *C. Stewart & Co.*

(Translation.)

Dear Sir, Pontorson, 19 July 1894.

As requested by you with regard to our markets I may say that the year just finished has been the worst one we have experienced, as all butters in general have gone through Normandy; I could not tell it you officially, because we have nothing official on our little market, but that which I can affirm to you is that all butters' have gone from here to Valogne or Carentan, outside of a few baskets for Caen. There are some houses in Normandy which you know of who have their buyers on all our markets and who even take the butters in all the little communes. I do not wish and cannot accuse anybody of making mixtures, but I cannot explain why a few houses in France should hold the monopoly of the business, above all when I see all butters, and no matter what butters, even the very worst, go to these places. There is only one remedy for this state of affairs, by making a distinction between the butter business and the margarine business. Without that the law will never do anything but ruin a good business. Were the two businesses separated it would be more difficult to perpetrate the fraud (if there is fraud). I may tell you that I think it high time to take all necessary measures, for the agriculturists encouraged by the immunity, and for a profit, will also be desirous of mixing before very long.

Yours, &c.

To Monsieur Slater, Rennes. (signed) *F. Lebrec.*

(Translation.)

Pontorson, 5 July 1894.

We are in possession of your favour of 4th instant, and, in reply, should be happy to be able to give you the proofs of fraud in butter sent to England.

Our conviction, the same as that of all other honest shippers, is that the fraud is perpetrated on a vast scale, but unfortunately it is very difficult to catch the fraudulent parties. About two years ago our house took the initiative in getting a petition signed by the butter merchants of our region. We addressed this petition to the National Agricultural Society of France, and it had the common lot of all others upon the same subject. It was for the suppression of fraud in butters by the mixture of margarine. It has remained without the slightest effect. We asked the Agricultural Society to approach the public powers to prevent a butter merchant from trafficing in margarine. We also indicated as a means for suppressing the fraud the surveillance by the customs of butter entering France. These butters are often margarined, or even in spite of being called pure butters, are only margarine serving to falsify French butters. Samples taken at the customs for analysis would render the fraud much less easy. The same for those leaving France; the taking of samples by the customs and that frequently would render the fraud almost impossible. The French law punishes the guilty parties very severely, but it is little applied, and fraudulent parties have an easy time of it. In England the law appears by far too lenient; we frequently read in "The Grocer" of grocers being condemned to derisive fines of 10*s.* and 1*l.* for having sold margarined butter or pure butter for pure margarine. Often they give as an excuse their ignorance of the fraud. It is difficult to admit that the price at which they purchased their butter was not a sufficient indication for them of its fraudulent nature. If the English tribunals were more severe fine and imprisonment would stop the frauds. In France as well as in England it should be forbidden to sell mixtures of butter and margarine, even in indicating the fact by a ticket that the mixture existed. The sale of pure margarine and pure butter should alone be authorised. The consumer could mix it himself if he preferred it so. But it is too easy to turn the law by selling as in Paris a produce ticketed "Alimentary Grease." These, Sir, are the few indications which we are able to give you, and we sincerely hope that you may succeed in putting a stop to a state of things so ruinous for honest business.

Yours, &c.
(signed) *Cheftel & Co.*

To Mr. Slater, Rennes.

(Copy.)

Association Commerciale d'Ostende, Chambre de Commerce,
Ostend, 14 Février 1895.

Dear Sir,

Your favour of 4th to hand. The buyers of Belgian butter, to whom I refer in the "Bulletin de l'Association Commerciale," are French. To prove that the Normans are buying our butters for shipment to England, I should have at my disposal persons disposed to follow the French buyers or the Belgian butter bought by them from the market where the butter is bought until the ship wherein it is shipped. The fact is although so, and Belgian butter is shipped by Calais. The duty paid by the French government (6 francs per 100 kilos) on the butter since three years has not at all altered the situation, as it cannot be denied that when Belgian markets are high, it is caused by the demand of French, and that an immense quantity leaves our country for France. I know Belgian butter has a bad reputation on the English markets, and that traffic is quite lost for us. Had the British and Belgian authorities been more severe at the beginning, and given high fines, we would not have met such a situation. That situation has opened the doors to new centres of production which compete with success with our butter. I am aware that Norman butter is not mixed less than Belgian with margarine and other stuff. I tried again to ship butter this winter, and prices returned are 5*d.* per 2 lb. less than our market prices here.

Yours, &c.
(signed) *Auguste Borgers.*

To Mr. R. H. Slater, Rennes.

(Translation.)

Rennes, 6 July 1894.

Dear Sir,

I hasten, in view of the journey you are shortly to take to England, to acquaint you with my ideas respecting butters in France, and especially the actual position of the merchants of Rennes and Brittany. I have the conviction that in France, as well as in England, it is necessary that new laws should be voted to repress the mixing of margarine with butter. In France many projects of laws have been deposed, and I am in hopes that a new law will be voted. I am, above all, happy to learn that the English Parliament is equally interesting itself in this important question of frauded butter, and honest merchants will accept with gratitude an English law which will punish the entry of mixed butters. The shippers of Rennes, in particular, suffer more than all others from the actual state of affairs and the competition which they have to contend against from the Normandy exporters who are, for certain, less scrupulous than we are as regards fraud. It is, in fine, important to remark that in spite of the insufficiency of the existing law numerous Norman shippers have been summoned and condemned by the French tribunals for fraud in their business. On the contrary, in Brittany, and especially at Rennes, proceedings have not been taken against one single house, and all butter shippers, with one exception, proudly claim the honour of always having shipped pure butter. It results, on the other hand, from facts which have taken place within two years, the proof, at least moral, that the Normandy houses give themselves up to mixtures which they dare not avow. In short, since this time, almost all the Normandy shippers make purchases in Brittany of so great importance, that one may say that actually all the Brittany butter passes through Normandy to go to England, where it is sold under the name of Normandy butter. But the Norman shippers, are they contented with buying Brittany butters to send them to England as Normandy butter? I do not think so. I have the conviction they send it to England mixed with margarine. That is the secret motive of the enormous purchases of Brittany butters by the Normans. Brittany butter is more oily than the Normandy, of a softer consistence, and lends itself better to the artificial mixing of grease. It supports margarine better, is the term employed by these unscrupulous merchants. The material proof that the fraud is general in Normandy results from the market prices of butter at Rennes and the prices at which the Normandy shippers sell in London the butters which they buy at Rennes and its surroundings. It suffices to compare these prices together to obtain the certitude that during the whole year, and above all in winter, the butters are offered on the London market by the Normans at 8*s.*, 12*s.*, and even 16*s.* per cwt. cheaper than the purchase price at Rennes, or in any other French locality. How is the phenomenon to be explained otherwise than by admitting that a large proportion of margarine was mixed with the butter? The remedy for this state of affairs would be given to us by a new law, more severe, for the merchants employing these fraudulent mixtures. A still better remedy would be the discovery of a system simple and easy of recognizing pure butter, and of distinguishing it from a butter mixed with margarine in no matter what feeble proportion. It is to be desired that the chemists of the English and French nations should direct their searches in this direction. If they succeed they will confer a veritable boon to agriculture and commerce.

Yours, &c.
(signed) *L. Porteu.*

To Mr. Slater, Rennes.

APPENDIX, No. 8.

PAPER handed in by Mr. *Harald Faber*, 26 April 1895.

GRANTS IN AID OF DANISH DAIRY INDUSTRY.

		Agriculture.	Dairy Industry.
		Kroner.	*Kroner.*
Section 19. 1 *a* -	Agriculture in general - - - - - - -	15,300, about -	1,000
„ „ 2 *a* -	Consulting experts - - - - - - -	47,300	
	Of these, three are dairy experts - - - - -	- - -	9,000
	Otherwise used for dairying - - - - -	- - -	5,800
„ „ 2 *b* -	Lectures - - - - - - - - -	4,800, about -	1,200
„ „ 2 *c* -	Travelling expenses - - - - - - -	5,000, about -	1,500
„ „ 2 *d* -	Finishing instruction for dairymen and dairymaids -	- - -	9,000
„ „ 2 *e* -	Danish agricultural interests abroad - - - -	22,000, about -	11,000
„ „ 5 -	Consulting agricultural analyst - - - - -	3,000, about -	1,000
„ „ 12 *a* -	Professors and Lecturers at the Royal Agricultural College.	90,000	
	One Professor in dairy science - - - - -	- - -	5,000
	Consulting dairy scientist - - - - - -	- - -	2,000
„ „ 12 *f* -	Help to students - - - - - - - -	8,400, about -	4,000
„ „ 12 *g* -	Laboratory for agricultural research - - - -	67,000, about -	50,000
Section 26 -	State butter shows - - - - - - -	- - -	24,000
		TOTAL - - *Kr.*	124,000
		or about - - £.	6,840

APPENDIX, No. 9.

PAPER handed in by the *Chairman*, 30 April 1895.

ENGLAND AND WALES, 1895.

RETURN showing NAMES and REMUNERATION of ANALYSTS arranged according to COUNTIES, BOROUGHS, and METROPOLITAN DISTRICTS.

[*Note.*—It having been represented to the Local Government Board that the information given in the Paper forming Appendix No. 7 to the Report of the Select Committee on Food Products Adulteration, 1894, as to the remuneration of public analysts in England and Wales was not in all respects accurate, this amended statement, which is based upon information obtained by local inquiry, has been prepared.]

REMUNERATION OF ANALYSTS.

COUNTIES.

County.	Name of Analyst.	Remuneration.
Anglesey	W. F. Lowe	10s. 6d. for each analysis.
Bedford	T. Stevenson	£52. 10s. per annum, and 6s. for each analysis.
Berks	W. W. Fisher	£2. 12s. 6d. for each quarterly report other than a "nil" report, and 10s. 6d. for each analysis.
Brecon	W. Morgan	£15. 15s. per annum.
Bucks	W. W. Fisher	£2. 12s. 6d. for each quarterly report, 10s. 6d. for each analysis, £1. 1s. for attendance as a witness upon any prosecution or inquiry, and mileage to and from Oxford 3d. per mile.
Cambridge	J. W. Knights	£15. 15s. per annum, 10s. 6d. for each analysis, £1. 1s. for each attendance as a witness, and 3d. per mile each way for travelling expenses.
,, (Isle of Ely)	J. W. Knights	£10. 10s. per annum, 10s. 6d. for each analysis, £1. 1s. for each attendance as a witness, and 3d. per mile each way for travelling expenses.
Cardigan	H. L. Snape	£5. per annum, and 10s. 6d. for each analysis.
Carmarthen	W. Morgan	£10. 10s. per annum.
Carnarvon	W. F. Lowe	£2. 2s. per annum, and 10s. 6d. for each analysis.
Chester	J. C. Bell	£200. per annum, and 6s. for each analysis.
Cornwall	B. Kitts	£2. 2s. for each quarterly report, and 10s. 6d. for each analysis.
Cumberland	R. Hellon	£1. 1s. per analysis up to 100, 10s. 6d. per analysis over 100.
Denbigh	W. F. Lowe	£2. 2s. per annum, and 10s. 6d. for each analysis.
Derby	J. White	£350. per annum, railway, cab, and postage expenses; office and laboratory provided.
Devon	A. W. Blyth	£15. 15s. per annum, and £1. for each analysis.
Dorset	J. C. Leach	£20. per annum, 7s. 6d. for each analysis of articles submitted by inspectors, and 10s. 6d. for each analysis of articles submitted by other persons.
Durham	W. F. K. Stock	£200. per annum, and 6s. for each analysis; £5. per annum towards the cost of telephone.
Essex	T. A. Pooley	£1. 1s. for each analysis up to 100, 10s. 6d. for each analysis from 100 to 200, and 6s. for each analysis beyond 200.
Flint	W. F. Lowe	£2. 2s. per annum, and 10s. 6d. for each analysis.
Glamorgan	W. Morgan	15s. for each analysis up to 200, 12s. 6d. for each analysis from 200 to 400, 10s. for each analysis from 400 to 600, 7s. 6d. for each analysis over 600, and £10. 10s. per annum for the statutory reports.
Gloucester	G. Embrey	£150. per annum, and £15. per annum for chemicals.
Hereford	E. W. Voelcker	£1. 1s. for each analysis.
Hertford	A. E. Ekins	£1. 1s. for each analysis up to 50, and 10s. 6d. for each analysis over 50.
Huntingdon	J. W. Knights	£10. 10s. per annum, and 10s. 6d. for each analysis.
Kent	M. A. Adams	£200. per annum, and 6s. for each analysis.
Lancaster	J. C. Brown	£350. per annum, and 8s. for each analysis.
	W. C. Williams	£250. per annum.
Leicester	B. Dyer	£1. 1s. for each sample up to 100, and 10s. 6d. for each analysis over 100. Minimum salary to be £100. per annum.
Lincoln (Holland)	C. H. Southwell	£10. 10s. per annum, and 10s. 6d. for each analysis.

REMUNERATION OF ANALYSTS—*continued.*

COUNTY.	Name of Analyst.	Remuneration.
Lincoln (Kesteven)	C. E. Cassal	£12. 12s. per annum, and 10s. 6d. for each analysis.
„ (Lindsey)	J. Muter	£15. 15s. per annum, 10s. 6d. for each analysis, £3. 3s. a day and travelling expenses when attending court.
Merioneth	T. P. Blunt	£1. 1s. for each analysis.
Middlesex	E. J. Bevan	£1. 1s. for each analysis up to 200, and 10s. 6d. for each analysis over 200.
Monmouth	W. Morgan	£10. 10s. per annum, and 10s. 6d. for each analysis.
Montgomery	J. A. Murray	10s. 6d. for each analysis.
Norfolk	F. Sutton	£100. per annum.
Northampton	E. W. Voelcker	Minimum salary of £63. per annum, and 10s. 6d. for each analysis over 120.
„ (Soke of Peterborough)	J. Baynes	£2. 2s. per annum to include 4 analyses, and 10s. 6d. for each analysis above that number.
Northumberland	J. Pattinson	£10. 10s. per annum, and 10s. 6d. for each analysis.
Nottingham	O. Hehner	£50. per annum, and 10s. 6d. for each analysis over 50.
Oxford	W. W. Fisher	£10. 10s. per annum, and 10s. 6d. for each analysis; 10s. 6d. for each court attendance at Oxford, and £1. 1s. and 3d. per mile for each court attendance elsewhere.
Pembroke	W. Morgan	£5. 5s. per annum, and 15s. for each analysis.
Radnor	H. Swete	£1. 1s. for each analysis.
Rutland	Office vacant.	
Salop	T. P. Blunt	£52. 10s. per annum.
Somerset	H. J. Alford	£150. per annum.
Southampton	A. Angell	10s. 6d. for each analysis, £105. per annum to be the minimum remuneration.
Stafford	E. W. T. Jones	£250. per annum, and 6s. for each analysis.
Suffolk, East	J. Napier	10s. 6d. for each analysis.
„ West	J. Napier	£5. 5s. per annum, and 10s. 6d. for each analysis.
Surrey	T. Stevenson	£1. for each of the first 100 analyses, 10s. for each analysis over 100.
Sussex, East	E. H. Moore	£50. per annum, and 7s. 6d. for each analysis.
„ West	O. Hehner	10s. 6d. for each analysis.
Warwick	A. B. Hill	£350. per annum.
Westmorland	R. Hellon	£10. 10s. per annum, £1. 1s. for each analysis up to 100, 10s. 6d. for each analysis from 100 to 200, 6s. for each analysis over 200, £1. 1s. and 3d. per mile for each attendance at court.
Wight, Isle of	O. Hehner	10s. 6d. for each analysis. Minimum number of analyses, 40.
Wiltshire	J. W. Gatehouse	£2. 12s. 6d. for each quarterly report, 10s. 6d. each analysis, £1. 1s. and 3d. per mile, and allowance for going and returning for each court attendance.
Worcester	E. H. W. Swete	£100 per annum; 10s. 6d. for each court attendance if within two miles of his residence, £1. 1s. and 3d. per mile if beyond two miles. Remuneration now under consideration.
York, East	J. Baynes	£1. 1s. for each quarterly report, 15s. for each analysis up to 100, 10s. 6d. for each analysis from 100 to 200, 6s. for each analysis over 200, £1. 1s. per day and 3d. per mile for each attendance at court.
„ North	T. Fairley	£2. 12s. 6d. for each quarterly report, £1. 1s. for each analysis up to 100, 10s. 6d. for each analysis from 100 to 200, 6s. for each analysis over 200, £1. 1s. and 3d. per mile for each attendance at court.
„ West	A. H. Allen	£250. per annum and 6s. for each analysis. Reasonable travelling expenses when called upon to attend court.

BOROUGHS.

Albans, St.	J. Morrison	£10. per annum.
Ashton-under-Lyne	C. Estcourt	£4. 4s. per annum, and £1. 1s. for each analysis.
Accrington	J. Barnes	£5. per annum, 10s. 6d. for each analysis, and £1. 1s. per diem for attendance at court.
Banbury	W. W. Fisher	£5. 5s. per annum, and 10s. 6d. for each analysis.
Bacup	C. Estcourt	£10. per annum.
Barnstaple	A. W. Blyth	£5. 5s. per annum, and £1. 1s. for each analysis.
Bath	J. W. Gatehouse	10s. for each analysis, except milk, coffee, and mustard, 5s. each; bread and flour, £1. 1s. each.
Bedford	J. K. Colwell	£1. 1s. for each analysis.
Berwick	J. Pattinson	£10. 10s. per annum, and £1. 1s. for each analysis.
Beverley	J. Baynes	£2. 2s. per annum, and for each analysis of tea and cocoa, 10s. 6d.; milk and coffee, 7s.; butter, lard, chicory, bread, flour, and mustard, 5s. If only a single sample be sent at one time an addition of one-third of the fee to be paid.
Barrow-in-Furness	C. E. Day	£25. per annum, 5s. for each analysis, and 10s. 6d. for each attendance at court.
Birmingham	A. Hill	£150. per annum.
Blackburn	J. C. Brown	£25. per annum, and 6s. for each analysis.

REMUNERATION OF ANALYSTS—*continued.*

BOROUGH.	Name of Analyst.	Remuneration.
Blackpool	J. C. Brown and W. C. Williams.	Joint retaining fee of £21. per annum, and a joint fee of 8s. for each analysis.
Bolton	F. E. Adams	£50. per annum.
Bootle	J. C. Brown	£21. per annum, and 10s. 6d. for each analysis over 10 each quarter.
Boston	J. Baynes	£10. 10s. per annum and 10s. 6d. for each analysis.
Bradford (Yorks)	F. M. Rimmington	£100. per annum, exclusive of the cost of chemicals.
Bridgwater	F. W. Stoddart	For each analysis of cocoa, butter, vinegar, malt liquors, wine, flour, and bread, 10s. 6d.; coffee, chicory, tea, milk, and mustard, 5s.; lard, 7s. 6d.
Brighton	E. H. Moore	£50. per annum, and for each analysis of alcoholic liquors, drugs, poisons, 10s. 6d.; butter, lard, cheese, confectionery, milk, cream, flour, bread, tea, preserves, pickles, sauces, and vinegar, 5s.; arrowroot, groats, oatmeal, sago, sage, all farinaceous foods, cayenne pepper, honey, isinglass, coffee, seeds, spices, and mustard, 2s. 6d.
Bristol	F. W. Stoddart	£100. per annum, and £50. per annum for laboratory expenses.
Burnley	J. C. Brown	£21. per annum, and 8s. for each analysis.
Bury	T. J. Hutchinson	10s. 6d. for each analysis.
Bury St. Edmunds	J. Napier	£10. 10s. per annum, and 10s. for each analysis.
Birkenhead	J. C. Bell	£10. 10s. per annum, and 10s. 6d. for each analysis over 10; £1. 11s. 6d. per day, to include expenses, when attending court.
Cambridge	J. W. Knights	£5. 5s. per annum, and 10s. 6d. for each analysis.
Canterbury	S. Harvey	£20. per annum, and 10s. 6d. for each analysis.
Cardiff	T. Hughes	£250. per annum.
Carlisle	T. H. Walker	£12. per annum, and 10s. 6d. for each analysis.
Carmarthen	W. Morgan	£10. 10s. per annum.
Chester	W. F. Lowe	£1. 1s. for each analysis.
Chesterfield	A. H. Allen	£1. 1s. for each analysis up to 50, 10s. 6d. for each analysis over 50.
Chipping Wycombe	C. E. Cassal	10s. 6d. for each analysis, 10s. 6d. for each quarterly report, £1. 1s. and 3d. per mile from London, when attending as a witness.
Clitheroe	T. Stenhouse	7s. 6d. for each analysis, 10s. 6d. and 2nd class railway fare when attending as a witness.
Colchester	W. Chattaway	£1. 1s. for each analysis up to 100, 10s. 6d. for each analysis over 100, also travelling and other out of pocket expenses.
Congleton	J. C. Bell	£5. 5s. per annum, and 10s. 6d. for each analysis over 10;
Coventry	A. B. Hill	£10. 10s. per annum, and 10s. 6d. for each analysis.
Croydon	L. Reed	5s. for each analysis.
Derby	O. Hehner	10s. 6d. for each analysis.
Devonport	C. E. Bean	£2. 2s. for each quarterly report, and 10s. 6d. for each analysis.
Dewsbury	F. M. Rimmington	£12. per annum.
Doncaster	A. H. Allen	12s. 6d. for each analysis, and £1. 1s. for each attendance at court.
Dover	S. Harvey	£5. per annum, and 10s. 6d. for each analysis.
Dudley	E. H. Swete	By arrangement with the County Council of Worcestershire, paid in proportion to the number of samples analysed.
Durham	J. Pattinson	£5. 5s. per annum, £1. 1s. for each analysis up to 100, 10s. 6d. for each analysis from 100 to 200, and 6s. for each analysis over 200.
Eastbourne	E. H. Moore	£10. 10s. per annum and 7s. 6d. for each analysis, with a minimum number of 25 analyses.
Exeter	F. P. Perkins	£20. per annum; for each analysis of tea, butter, lard, beer, porter, bread, flour, and drugs, 10s. 6d.; coffee, chicory, cocoa, milk, mustard, vinegar, and other foods, 5s. 3d.
Folkestone	S. Harvey	10s. 6d. for each analysis.
Gateshead	J. Pattinson	£100. per annum.
Glossop	J. C. Bell	10s. 6d. for each analysis.
Gloucester	G. Embrey	£20. per annum.
Grantham	A. Ashby	£10. per annum, 10s. 6d. for each analysis, and £1. 1s per diem when attending court.
Gravesend	J. H. Gramshaw	£30. per annum.
Grimsby	J. Baynes	£10. 10s. per annum, and 10s. 6d. for each analysis.
Guildford	A. Angell	£26. 5s. per annum, and 2s. 6d. for each analysis.
Halifax	W. Ackroyd	10s. 6d. for each analysis.
Hanley	J. Baynes	£25. per annum, and 6s. for each analysis.
Hartlepool	J. B. Dodds	£21. per annum, and 7s. for each analysis.
Hartlepool, West	W. F. K. Stock	10s. 6d. for each analysis.
Hastings	H. F. Cheshire	£75. per annum.
Helen's, St.	J. Robertson	£50. per annum.
Hereford	A. B. Hill	£5. 5s. per annum, and 10s. 6d. for each analysis.
Huddersfield	G. Jarmain	For each analysis of milk, 5s.; other articles, 10s. 6d. each.
Ipswich	J. Napier	£5. 5s. per annum; 7s. 6d. for each analysis of milk; 10s. 6d. each for other articles.

REMUNERATION OF ANALYSTS—*continued.*

BOROUGH.	Name of Analyst.	Remuneration.
Kendal	R. Hellon	£1. 6s. 3d. for each quarterly report, £1. 1s. for each analysis up to 100, 10s. 6d. for each analysis from 100 to 200, and 6s. for each analysis over 200. £1. 1s. and 3d. per mile each way for each attendance at court.
Kidderminster	E. W. T. Jones	10s. 6d. for each analysis.
Kingston-on-Hull	J. Baynes	£100. per annum.
King's Lynn	J. W. Knights	£10. 10s. per annum and 10s. 6d. for each analysis.
Lancaster	C. Estcourt	£10. 10s. per annum and 6s. for each analysis.
Leamington	A. B. Hill	£20. per annum and 6s. 8d. for each analysis.
Leeds	T. Fairley	£100. per annum.
Leicester	J. Priestley	£100. per annum.
Lincoln	C. Harrison	£20. per annum ; £2. 2s. for each analysis submitted by others than the inspector.
Liverpool	J. C. Brown	£200. per annum and 10s. 6d. for each analysis over 300.
Liverpool	W. C. Williams	£50. per annum.
Louth	J. Baynes	£4. 4s. per annum and £1. 1s. for each analysis.
Luton	A. E. Ekins	10s. 6d. for each analysis.
Macclesfield	C. Estcourt	6s. for each analysis and 10s. 6d. for each quarterly report.
Maidstone	M. A. Adams	£200. per annum.
Manchester	C. Estcourt	£150. per annum for the first 200 analyses, 7s. 6d. per analysis from 201 to 800, and 5s. per analysis over 800.
Margate	S. Harvey	10s. 6d. for each analysis.
Middlesbrough	J. E. Stead	£10. 10s. per annum and 10s. 6d. for each analysis.
Neath	W. Morgan	£10. 10s. per annum and 15s. for each analysis.
Newark	A. Ashby	£15. 15s. per annum and 10s. 6d. for each analysis.
Newbury	W. T. G. Woodforde	£1. 1s. for the first and 10s. 6d. for each other similar one sent in at same time.
Newcastle-under-Lyme	E. W. T. Jones	10s. 6d. for each analysis.
Newcastle-upon-Tyne	J. Pattinson	£200. per annum.
Newport (Mon.)	T. Hughes	£40. per annum.
Northampton	H. Swete and R. Ross	£1. 1s. for each analysis. Journeys and attendances extra.
Norwich	W. G. Crook	10s. 6d. for each analysis.
Nottingham	E. B. Truman	£1. 1s. for each analysis.
Oldham	C. Estcourt	10s. 6d. for each analysis.
Oxford	W. W. Fisher	£5. 5s. per annum and 10s. 6d. for each analysis.
Penzance	Office vacant.	—
Peterborough	J. Baynes	£4. 4s. per annum and 10s. 6d. for each analysis over eight.
Plymouth	C. E. Bean	£12. 12s. per annum ; 10s. 6d. for each analysis and £1. 1s. for each attendance in court.
Poole	J. C. Leach	Duties discharged by the county analyst (Dorset) in pursuance of an agreement between the county and borough authorities.
Portsmouth	B. H. Mumby	£50. per annum ; increase under consideration.
Preston	J. C. Brown	£20. per annum.
Ramsgate	S. Harvey	£10. 10s. and 10s. 6d. for each analysis of articles analysed by direction of the town council.
Reading	A. Ashby	£30. per annum and £10. per annum for expenses.
Reigate	T. Stevenson	£1. 1s. for each analysis.
Rochdale	T. Stenhouse	6s. for each analysis.
Rochester	M. A. Adams	£15. 15s. per annum and 10s. 6d. for each analysis.
Rotherham	A. H. Allen	10s. 6d. for each analysis, £2. 2s. for each quarterly report, and £1. 1s. for each attendance at court.
Ryde	O. Hehner	£10. 10s. per annum and 10s. 6d. for each analysis over 20.
Salford	J. C. Bell	£200. per annum and 2s. 6d. for each analysis.
Sarum, New	F. W. Stoddart	£25. per annum.
Scarborough	H. G. H. Monk	£15. per annum.
Sheffield	A. H. Allen	£100. per annum for the first 150 analyses ; 10s. 6d. for each analysis over that number.
Shrewsbury	A. B. Hill	£1. 1s. for each analysis.
Southampton	J. Brierley	£40. per annum and 5s. for each analysis.
Southport	W. J. Orsman	5s. for each analysis.
South Shields	J. Pattinson	£25. and 7s. 6d. for each analysis.
Staleybridge	J. C. Bell	£10. 10s. per annum.
Stockport	W. Thomson	10s. 6d. for each analysis, £2. 2s. for each attendance at court. Minimum remuneration £20. per annum.
Sunderland	J. C. Wood	£5. per annum.
Swansea	W. Morgan	£150. and 6s. 8d. for each analysis over 350.
Tiverton	J. Haworth	£10. per annum.
Truro	B. Dyer	10s. 6d. for each analysis.
Tynemouth	J. Pattinson	£26. 5s. per annum.
Tunbridge Wells	T. Stevenson	£1. 1s. for each analysis.
Wakefield	E. M. Chaplin	12s. 6d. for each analysis, £1. 1s. for each attendance as a witness, and £2. 2s. for each quarterly report.
Walsall	E. W. T. Jones	£50. per annum.
Warrington	J. H. Gornall	£50. per annum.
Warwick	A. B. Hill	£5. 5s. per annum and 10s. 6d. for each analysis.
Wenlock	T. P. Blount	£1. 1s. for each analysis.
West Ham	T. A. Pooley	£21. per annum and 10s. 6d. for each analysis.

REMUNERATION OF ANALYSTS—*continued.*

BOROUGH.	Name of Analyst.	Remuneration.
West Bromwich	H. Silvester	10s. 6d. for each analysis, and £3. 3s. and travelling expenses for attendance at court.
Weymouth and Melcombe Regis	J. C. Leach	£10. per annum.
Wigan	W. J. Orsman	£50. per annum.
Winchester	A. Angell	10s. 6d. for each analysis.
Windsor, New	E. J. H. Midwinter	£1. 1s. for each analysis up to 100, 10s. 6d. for each analysis from 100 to 200, and 6s. for each analysis over 200.
Worcester	H. Swete	£35. per annum for the first 60 analyses, 10s. 6d. each analysis over 60, 10s. 6d. each attendance as a witness or before council or committee.
Wolverhampton	E. W. T. Jones	10s. 6d. for each analysis.
Yarmouth, Great	F. Sutton	Bread, flour, meal, ales, porter, wines, drugs, preserved and potted meats, £2. each analysis ; milk, tea, coffee, cocoa, chocolate, chicory, spices, spirits, arrowroot, pickles, butter, lard, mustard, preserves, jellies, cheese, confectionery, marmalade, bottled fruits and vegetables, tobacco, snuff, and cigars, £1. each analysis ; sugar, treacle, vinegar, isinglass, gelatine, tapioca, sago, ground rice, and honey, 10s. each analysis. The above are the fees paid by the authority. The fees paid by the public in the respective groups are 10s. 6d., 5s., and 2s. 6d.
York	J. Baynes	£10. 10s. per annum, 15s. for each analysis up to 100, 10s. 6d. for each analysis over 100.

METROPOLIS.

DISTRICT OR PARISH.	Name of Analyst.	Remuneration.
Battersea	C. E. Cassal	£200. per annum.
Bethnal Green	A. W. Stokes	£10. 10s. per annum, £1. 1s. for each analysis up to 100, 10s. 6d. each analysis from 100 to 200, and 6s. for each analysis from 200 upwards.
Camberwell	F. L. Teed	£157. 10s. for the first 200 analyses and 10s. 6d. for each analysis beyond 200.
Chelsea	L. C. Parkes	£75. per annum.
Clerkenwell	J. K. Colwell	£100. per annum.
Fulham	E. G. Clayton	£75. per annum.
George, St., Hanover Square	C. E. Cassal	£300. per annum.
George, St., in-the-East	W. C. Young	£100. per annum.
George the Martyr, St., Southwark.	J. Muter	10s. 6d. for each analysis.
Giles, St.	J. K. Colwell	£100. for the first 200 analyses, 10s. for each analysis from 200 to 250, and 7s. 6d. for each analysis beyond 250, the total number of analyses not to exceed 300.
Greenwich	R. H. Harland	£100. per annum.
Hammersmith	W. Chattaway	£100. per annum and £25 per annum for laboratory expenses.
Hampstead	A. W. Stokes	£50. per annum and 10s. 6d. for each analysis.
Holborn	J. K. Colwell	£100. per annum.
Islington	F. L. Teed	£150. for the first 300 analyses and 5s. for each analyses over 300.
James, St., Westminster	J. Edmunds	£75. per annum.
Kensington	C. E. Cassal	£400. per annum.
Lambeth	J. Muter	10s. for each analysis, with a minimum of 500.
Lewisham	S. Rideal	£1. 1s. for each analysis.
Limehouse	G. A. Rogers	£150. per annum.
London, City of	W. S. Saunders	£200. per annum.
Luke, St., Middlesex	A. W. Stokes	£80. per annum.
Martin-in-the-Fields, St.	P. A. E. Richards	£50. per annum and 10s. 6d. for each analysis.
Marylebone, St.	A. W. Blythe	£100. per annum.
Mile End Old Town	R. H. Harland	10s. 6d. for each analysis.
Newington, St. Mary	J. Muter	10s. 6d. for each analysis.
Olave, St.	T. Stevenson	£30. per annum and 10s. for each analysis.
Paddington	A. W. Stokes	£175. per annum.
Pancras, St.	T. Stevenson	£100. per annum.
Poplar	W. C. Young	£150. per annum for a minimum of 200 samples, £40 per annum for laboratory, &c., provided by analyst.
Rotherhithe	J. Muter	10s. 6d. for each analysis.
Saviour, St.	R. Bodmer	£75. per annum.
Shoreditch, St. Leonard	T. Stevenson	£50. per annum and 10s. for each analysis.
Strand	C. H. Cribb	£150. per annum.
Wandsworth	J. Muter	10s. for each analysis, number of analyses not to exceed 400.
Westminster	A. Dupré	£100 per annum.
Whitechapel	W. C. Young	£1. 1s. for each analysis up to 100, 10s. 6d. each for the next 50, and 6s. for each subsequent analysis.
Woolwich	W. R. Smith	£50. per annum for all articles referred to him by the board, and fees from the public according to an agreed scale.

APPENDIX, No. 10.

PAPER handed in by Mr. *Harald Faber*, 26 April 1895.

Danish Margarine Law of April the 1st, 1891.

1. In this law "margarine" is understood to be any manufacture having the appearance of butter, of whatever origin, mixture, or composition, containing any fatty matter which is not derived from milk. By "margarine cheese" is understood any manufacture of cheese, whether the finished product or the curd, wherein enters any fatty matter which is not derived from milk.

Margarine.

2. Whoever intends to manufacture margarine for sale must give notice thereof to the nearest director of police, who thereupon, at the expense of the applicant, shall give the notice publication in the "Berlingske Tidende." and outside Copenhagen in the journal having the widest circulation in the jurisdiction. Such person must, moreover, keep certain books containing particulars of the manufacture and sale thereof, and put the finished product in receptacles of a shape distinct from that of the commonly used butter casks, and marked with the word "margarine," all in accordance with the special order of the Minister of the Interior. Margarine must not be manufactured under any other name.

3. Dealers in margarine, either wholesale or retail, must keep the article in margarine receptacles (Section 2). For the keeping of small quantities, such as are exposed in shops, or for sale retail, smaller receptacles are assigned in accordance with an order of the Minister of the Interior, and they must be marked with the word "margarine" in such a manner as to attract the attention of the purchaser. Margarine must not be offered for sale under any other name. When margarine is not delivered to the purchaser in any of the above-named receptacles, the parcel, (jar, box, paper, &c.), in which the delivery takes place shall be marked according to the special order of the Minister of the Interior. If the purchaser takes away the margarine in his own receptacle, the seller shall place over the margarine a paper, as ordered by the Minister of the Interior, marked with the word "margarine." In every shop where margarine is kept for sale there shall be put up, in accordance with the special order of the Minister of the Interior, in a conspicuous place in such shop, in letters at least three inches long, "Here is sold margarine." The sale of margarine in a market place or from ships is prohibited. The conveyance of margarine may only take place in margarine receptacles.

4.—(1.) It is forbidden to manufacture, import, export, convey in transit, or to sell margarine in which the amount of butter fat exceeds 50 per cent.

(2.) For personal use it is, however, allowable to mix margarine or oleo-margarine with butter in any proportion.

(3.) On the outside of every margarine receptacle (Section 2) there shall, in the manner specially ordered by the Minister of the Interior, be set forth the maker's name, and the percentage of butter fat in the margarine contained in such receptacle. In the retail sale of margarine there shall appear in the same manner, on the wrapper of every portion of margarine, the percentage of butter fat, and the name of the manufacturer.

(4.) The margarine must not contain less than the stated quantity of butter fat.

5.—(1.) It is forbidden to manufacture, import, export, convey in transit, or deal in, margarine which is of a yellow colour, of deeper shade than No. 9, in the six scales A—F, in the colour table authorised by the Minister of the Interior, in giving regulations under the Margarine Law of April the 5th 1888. The testing of the colour is to be made in the manner prescribed in the schedule to the order of the Minister of the Interior of May the 17th 1888

(2.) The colouring of margarine for personal use is not included in the above prohibition.

6.—(1.) Margarine must neither be exported from, nor imported into, the country, nor conveyed in transit, in other receptacles than margarine receptacles (Section 2).

(2.) The Minister of the Interior may, if he deems it to be necessary, forbid the export and transit of margarine from the country. The sale of margarine for ship's stores is not included in the above prohibition.

7. Whoever exports or imports butter or margarine, or packs and sells butter purchased from different places, or deals in margarine, shall give notice of such business to the police, who have to keep a register of those who have given such notices. The importation of margarine, as well as the sales of margarine, as long as it remains in entire tubs, must be entered in books kept in accordance with the special order of the Minister of the Interior.

Oleo-margarine.

8.—(1.) Oleo-margarine may only be exported, imported, dealt in, or conveyed in vessels or receptacles, of which the shape and dimensions are different from the usual butter casks, and also from margarine receptacles; they must, moreover, be marked with the word "oleo-margarine" in accordance with the special order of the Minister of the Interior. The receiver of imported oleo-margarine is afforded the opportunity of marking the goods before they pass the Custom House.

(2.) Of all transactions in the manfacture, export, and import of, and dealing in oleo-margarine, books must be kept according to the special order of the Minister of the Interior, and notice of such business must be given to the police, who must keep a register of those who have given such notices.

Margarine Cheese.

9.—(1.) Margarine cheese may not be exported, sent in transit, imported, dealt in, or conveyed without the goods being marked with the words "margarine cheese." If packing is employed, it shall likewise be marked in the same manner. When pieces of margarine cheese are exposed for sale or delivered to purchasers, such pieces shall be labelled "margarine cheese, in accordance with the special order of the Minister of the Interior. The importer of margarine cheese is, however, afforded the opportunity of marking the goods before they are passed through the Custom House.

(2.) The Minister of the Interior may, if he sees fit, prohibit the export and transit of margarine cheese from the country. The sale of margarine cheese for ship's stores is not included in the above prohibition.

General Regulations.

10.—(1.) On such premises where butter is made for sale where butter brought from different places is packed, or where butter is collected for export, there must not be found either margarine or oleo-margarine.

(2.) Whoever makes butter for sale may not, on any part of that property where the making of such butter takes place, manufacture margarine, or allow it to be manufactured on his premises on said property (holding).

11. Margarine and margarine cheese are henceforth included among the articles which may be kept for sale by small retailers ("hucksters").

12. In contract notes, bills of lading, way bills, delivery notes, manifests, invoices, accounts, and such like documents, which have reference to margarine, oleo-margarine, or margarine cheese, these articles must be described respectively, *i.e.*, "margarine," "oleo-margarine," and "margarine cheese." Any infringement hereof is punished with a fine which, when the document is intended for abroad, shall not be under 100 kroner (5*l.* 10*s.*). The fines are inflicted on the person who issues the document, if this person is subject to Danish law, otherwise, on the consignee, when he has received the goods without giving notice to the police.

13. In order to exercise the necessary control with respect to matters coming under this law, three inspectors are appointed by the Minister of the Interior, one for Copenhagen and its neighbourhood, and two for the rest of the country. Their salaries, as well as other expenses connected with the control, such as travelling expenses, extra assistance, chemical analyses, taking samples, &c., are to be included in the annual Finance Law. The work of the control is conducted under special arrangements in accordance with an order of the Minister of the Interior. The officers of the control have to make an annual report of their transactions to the Minister of the Interior.

14. The officers of the control have access to any manufactory where margarine, oleo-margarine, or margarine cheese is made; to any dairy, to any warehouse, and store of butter, margarine, oleo-margarine, or margarine cheese; and to any shops where butter, margarine, oleo-margarine, or margarine cheese is offered for sale, and have the right to take samples, paying for the same at the current market prices; also to inspect the books referred to in Sections 2, 7, and 8. Such samples are to be sent in for chemical analysis at irregular intervals, even where there is no suspicion of any actual infringement having taken place or having been intended. The expenses connected therewith shall be provided for in the annual Finance Law. Unjustified refusal to admit the officers of the control to inspection of goods and books, or refusal to deliver samples, is to be punished with fines from 10 to 500 kroner (11*s.* to 27*l.* 10*s.*).

15. This law, as well as Sections 47 and 278, paragraph 1, and part of Section 277 of the Civil Penal Code,* shall be suspended in a conspicuous and accessible place, in easily legible copies, in every manufactory or sale room referred to in this law according to the special order of the Minister of the Interior.

16. Any chemical and microscopical analyses deemed requisite by the officers of the control shall, as far as possible, be made at one of the Government laboratories. The expenditure necessary for such examinations is to be provided for in the annual Finance Law.

17.—(1.) Whoever adulterates butter, or who, with fraudulent intent, sells margarine for butter, or is guilty of an offence under Section 4, paragraph 1, shall be punished in all cases according to the Civil Penal Code, Section 278, paragraph 1,† without having regard to the second paragraph of the said section.

(2.) Infringements of the regulations in Sections 2, 3, 4 (paragraph 4), 5, 6, 9, and 10 are to be punished with imprisonment (Civil Penal Code, Section 25), or when fraudulent intent is not present, with fines, from 50 to 4,000 kroner (2*l.* 15*s.* to 222*l.*). For the third and subsequent offence, such person shall be punished with imprisonment and fines, as mentioned above.

(3.) Infringements of the regulations in Sections 4 (paragraph 3), 7, 8, and 15, shall be punished with fines.

(4.) Illegal goods will be confiscated, and the sum derived from their sale shall be given, in Copenhagen, to the Communal Fund, and outside Copenhagen to the Poor Fund. One-third of the amount is, however, to be given to the informer, if the information was not given by the officers of the control.

(5.) Whoever receives imported margarine, oleo-margarine, or margarine cheese which does not fulfil the requirements of this law may free himself from responsibility, by giving notice to the police within 24 hours after their receipt, and delivering up such imported goods.

18. Convictions under this law are to be published by the police, with information as to the name of the offender and the nature of the offence, if they include imprisonment or greater punishment; also if they include punishment by fines, provided that such punishment has been inflicted under Section 17, paragraph 2, and the defendant has been previously punished with fines according to the present law. It is to be included in the sentence

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* Section 47 of the Civil Penal Code reads as follows:—"When two or more persons have acted together in committing an offence, every one of them shall be punished as the offender. A comparatively smaller punishment, viz., not less than half, nor more than three-fourths of the greatest punishment applicable by law to the offence in question, shall be applied when an accessory has rendered to the chief offender a less essential assistance only in the perpetration of the offence."

Sections 277 and 278, *see* note to Section 17.

† Section 278, paragraph 1, of the Civil Penal Code reads as follows:—"Whoever adulterates goods or falsely applies to goods an official stamp or mark giving a guarantee of the genuineness or quality of the goods, or who, with a fraudulent intent, causes such stamps or mark to be applied to goods to which they are not properly applicable, or whoever, without authorisation, applies a brand or mark belonging to another person to goods of an essentially lower quality than that implied by the brand or mark, shall be liable to the punishment mentioned in the preceding section, first paragraph."

The punishment mentioned in Section 277, paragraph 1, reads as follows:—"Whoever . . . shall be liable to imprisonment on a restricted diet for a term of not less than five days, or to penal servitude for a term not exceeding two years. Under greatly aggravating circumstances, as well as in the case of a second or subsequent conviction, the punishment can be increased to penal servitude for a term of until six years."

sentence that such publication is to take place. The publication is to be made in the "Berlingske Tidende," as regards offences in Copenhagen, and outside Copenhagen, in one of the papers having the largest circulation in the jurisdiction. Expenses connected with such publication shall be costs in the case.

19. Cases regarding infringements of the present law shall, with the exception of those referred to in Section 17, paragraph 1, be decided in the police court. Offences, however, which involve penalties according to Section 17, paragraph 2, can only be adjudicated on by a regular sentence (by a judge).

20. This law, which does not include the Faroe Islands, comes into force on May 1st, 1891, and remains in force for five years from the above date.

Notification

Regarding the Form and the Marking of Margarine Receptacles, dated the 22nd April 1891.

In accordance with the Margarine Law of the 1st April 1891, the following regulations are hereby given :—

1. Margarine receptacles (*see* Section 2 and following sections of the said law) are to be of an oval shape so that the circumference of the receptacle in any place parallel with the bottom will form an ellipse whose length is at least one and a-half times as great as its breadth. Outside on the lid and bottom as well as on the sides of the receptacle, is to be placed the underwritten mark in black letters, in a conspicuous manner, and in full size. Under

each mark is to be written the percentage of butter fat of the margarine contained in the receptacle, by means of the following inscription :—

"Contents of butter fat per cent."

For this inscription are to be used letters of the same character and type as in the mark, but of half the size. The numerals with which the inscription is filled up must correspond in size and distinctness to the other letters. Under this inscription is to be written with letters of the same character, type and size, the name (firm) of the manufacturer.

2. Receptacles in which smaller quantities are exposed in the shops as samples, or for retail sale, and also the jars, boxes &c., in which the margarine is delivered to the purchaser, shall have the same oval shape as the margarine receptacles mentioned in Section 1, and outside on the sides parallel with the bottom be marked with the word "margarine," in letters of same character, type, and size as those used in the mark described in Section 1 ; and thereunder is to be written in the same manner as prescribed in Section 1, the percentage of butter fat contained in the margarine, and also the name (firm) of the manufacturer.

With the same mark is to be marked, in a conspicuous manner, the paper, &c., used for packing margarine, or to be placed over the margarine when the purchaser fetches it away in his own receptacle.

3. For the notice, "Here is sold margarine," required by Section 3 of the law to be put up in shops, stores, &c., where margarine is kept, are to be used letters of the same character and type as those used for the mark on the margarine receptacles, but at least three inches in height. The inscription, which is to be in black on white ground, is to be divided into two lines, in the first line, "Here is sold," and underneath, with an intervening space of two inches, "Margarine."

4. As in the colour tables, mentioned in Section 5 of the law as authorised by the Minister of the Interior, the different colour scales are printed with a dead black border, a loose black border will have to be used with the colour scales of those colour tables printed with white borders which were issued with the notification of the Ministry of the Interior dated 17th May 1888.

The testing of the colour is to be made as mentioned in the annex to the above-mentioned notification, giving directions for the use of the colour tables.

"The testing of the colour of a margarine sample must be made by daylight, and performed in the following manner :—

"From a sample taken out with the butter scoop is to be cut with a knife a small slice, one-eighth of an inch thick, smooth on each of its surfaces. The examiner then places himself with his back to the light and holds the colour tables in a vertical position before him so that he does not hide the light, and in such a way that the direct rays of the sun do not fall on the colour table. That colour in the tables is then sought for which most closely resembles the colour of the margarine sample, this being first compared with Table D. If it is found that the sample is of a warmer tint than the colours in Table D., it is to be compared with Table C., and if it is still of a warmer tone, with Table B., and finally with Table A. If, on the other hand, it appears of a more yellow tint than the colour in Table D., it is to be compared with E., and if it is not found in E., with F. When it has thus been ascertained which of the tables show the same colour as the margarine sample, the depth of the colour can be decided by moving the sample up and down alongside the colour table. That place in the table which appears to be neither lighter nor darker than the margarine sample will then exactly give the colour of the margarine. This is expressed by first stating the letter of the table, and then giving the number which appears opposite the colour found. For instance, B. 9, D. 7, &c."

5. Oleo-margarine receptacles, which in form and size are to be different from the usual butter receptacles, as well as the margarine receptacles (Section 8 of the law), are to be marked outside on the lid and bottom with the word "Oleo-margarine" placed in a rectangular frame with letters of the same character, type, and size as those used for the mark described in Section 1.

6. Every margarine cheese which is exported, sent in transit, imported, sold or conveyed (Section 9 of the law), is to be provided with the undermentioned mark in black, written on the top and bottom of the cheese in full size.

If packing is used, this is to be provided with the same mark in a conspicuous manner.

If the Margarine cheese is delivered to purchasers cut up in pieces, it is to be packed in paper marked with the word "Margarine cheese" in letters of same character and type as used in the above mark, and at least of half the size.

Every piece of margarine cheese which is exposed for sale is to be conspicuously marked with a label, on which the word "Margarine cheese" is inscribed in letters as mentioned above, which mark is either to be attached to the cheese or laid on it.

7. The books which are to be kept in accordance with Sections 2, 7 and 8 of the law, are to be in accordance with forms sanctioned by the Ministry of the Interior, and must not be taken into use before they have been authorised, in Copenhagen and in the provincial towns by the town clerk, and in the country by the local authority.

Printed copies of the said forms, viz., for manufacture, import, and sale (including export) of margarine and oleo-margarine, as well as copies of the law, &c., for hanging up, according to Section 15 of the law, will be delivered gratis before the 1st May of this year, in Copenhagen by the printer of the Ministry, and outside Copenhagen by the police authorities.

8. The regulations given in this notification come into force on 1st May, from which time the law of 1st April 1991, respecting the manufacture and sale of margarine, &c., comes into force. From the same date the notification of 12th April 1888, published by the Minister of the Interior, respecting the form and marking of the margarine receptacles, is annulled.

Copy of wrapper to be used in packing margarine cheese in retail sale:—

Copy of Wrapper used for packing Margarine, in retail sale.

FINESTE

Hædors-Diplom. København.
1888.

Ould Modallic Neapol.
1891

Otto Mønsted

Aarhus

Vare A B C

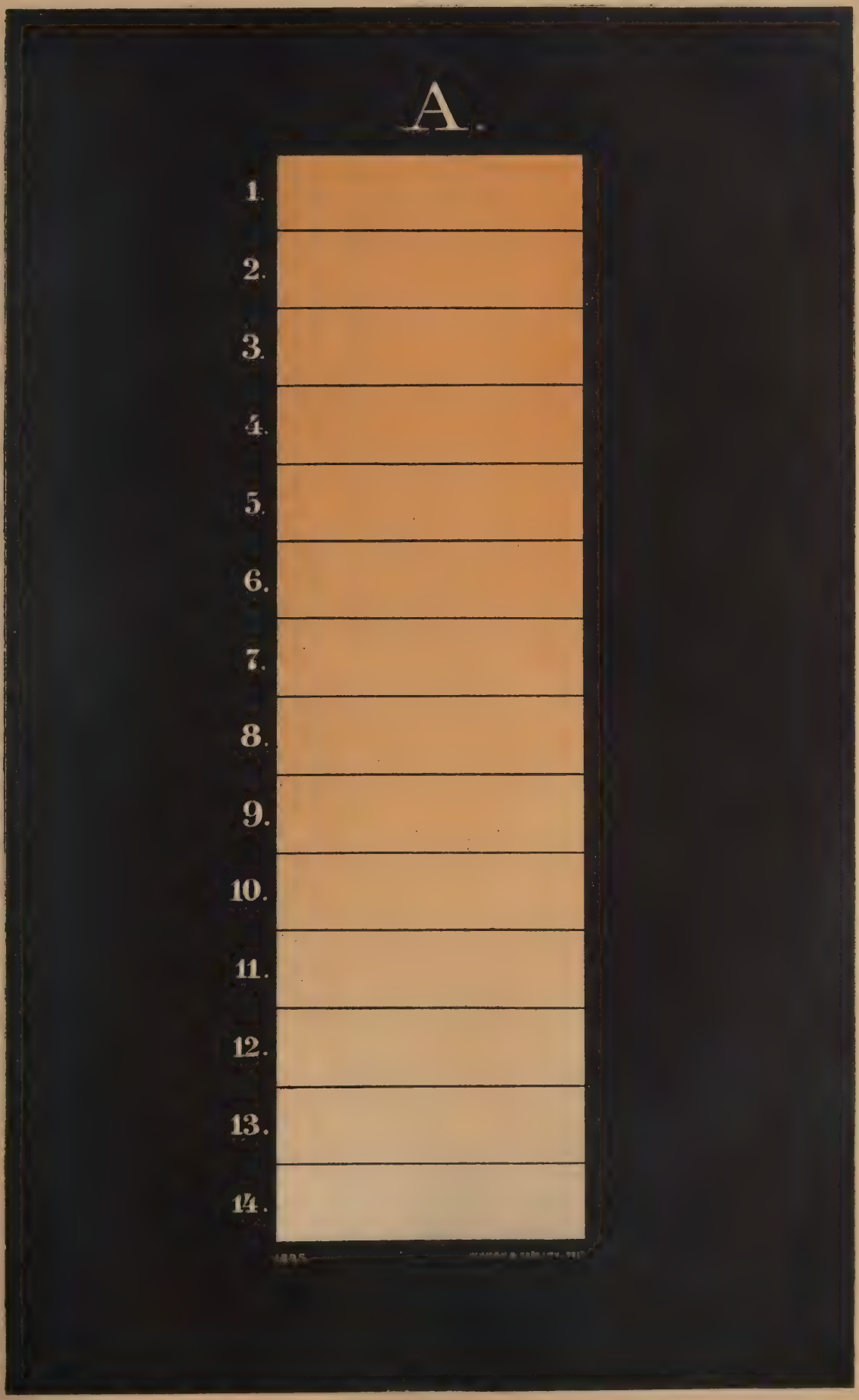
MARGARINE

INDHOLD AF SMØRFEDT ½ PROCENT

OTTO MØNSTED

AARHUS

Wyman & Sons, Ltd., Lith. 12/7.7.95.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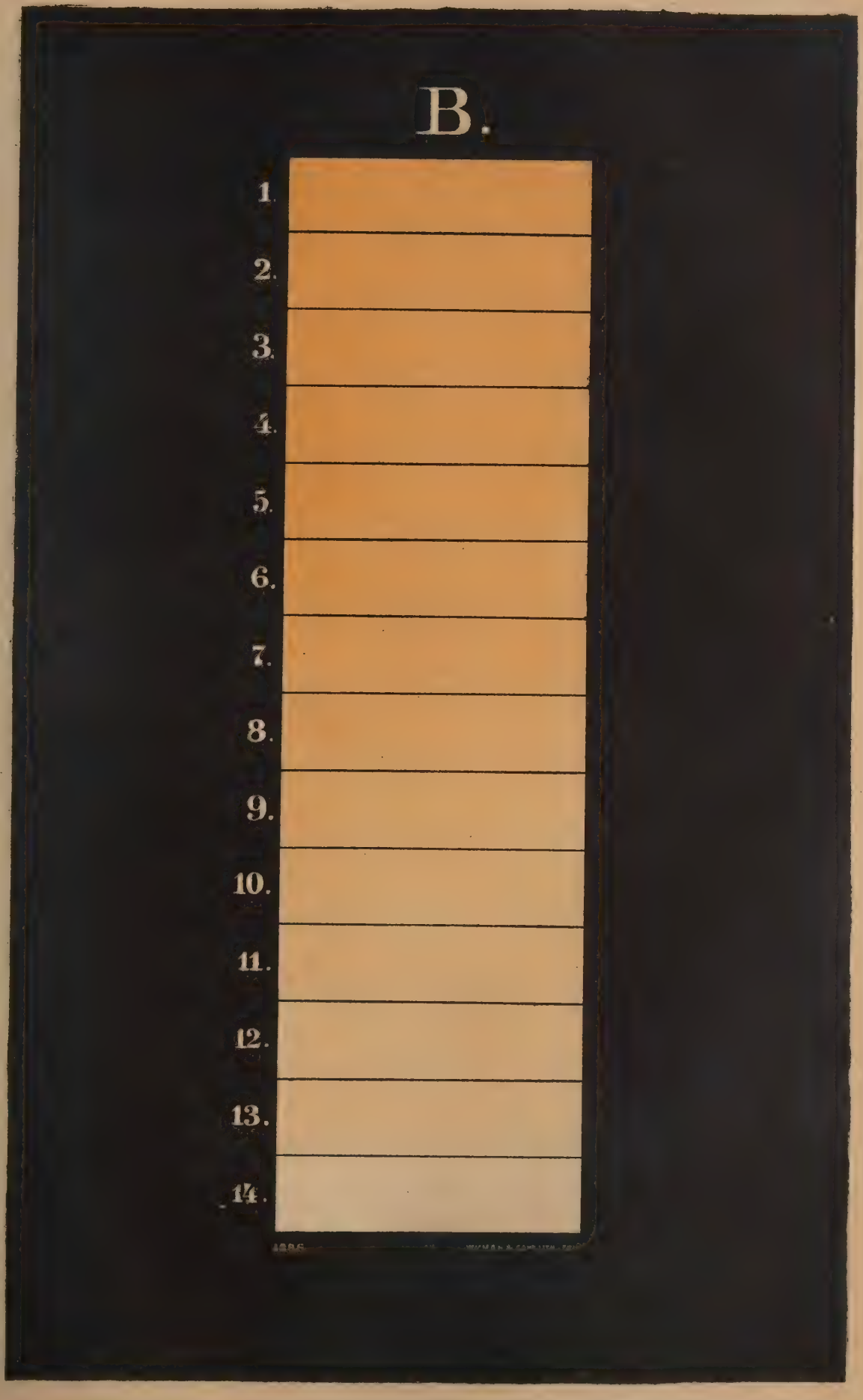
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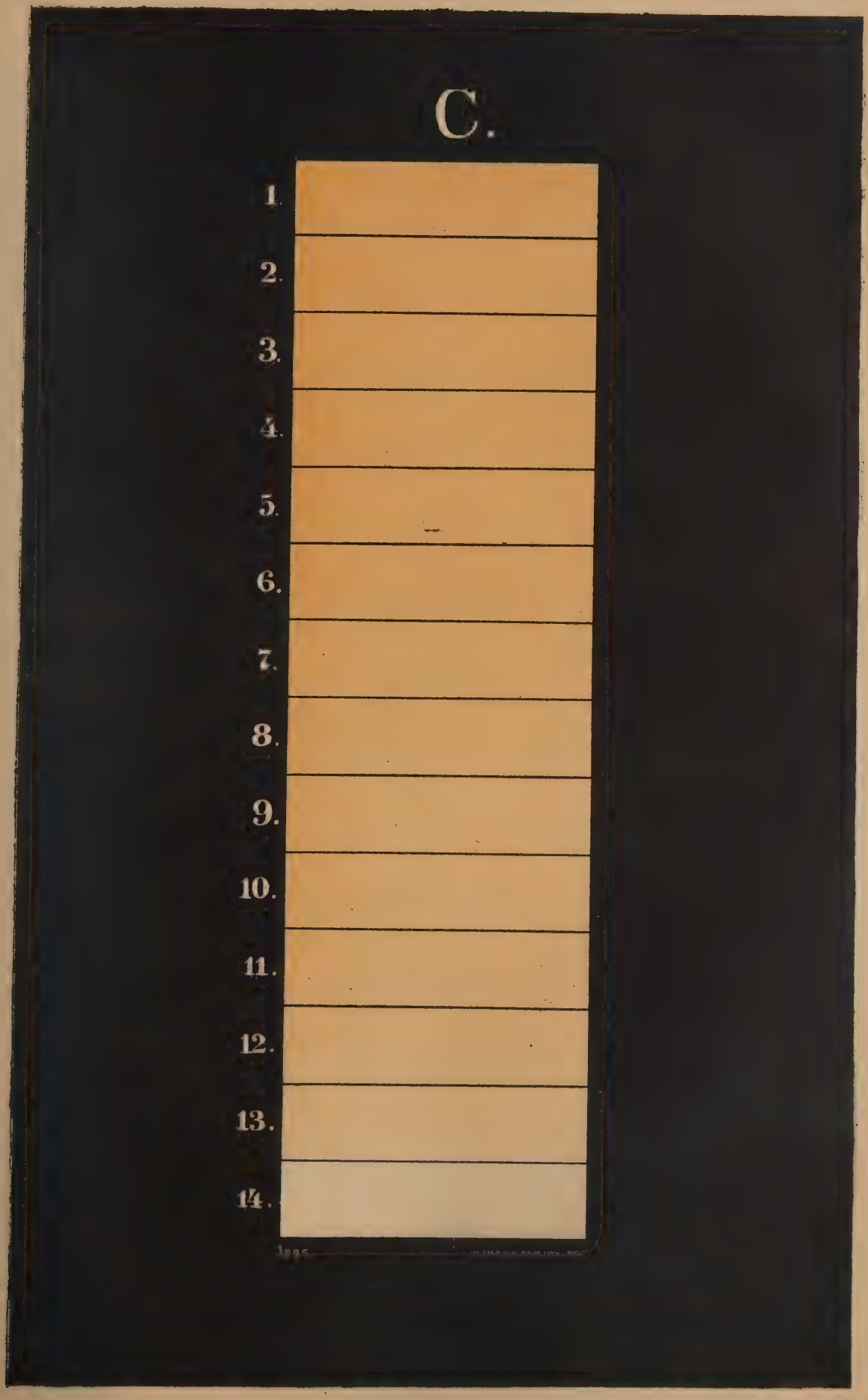
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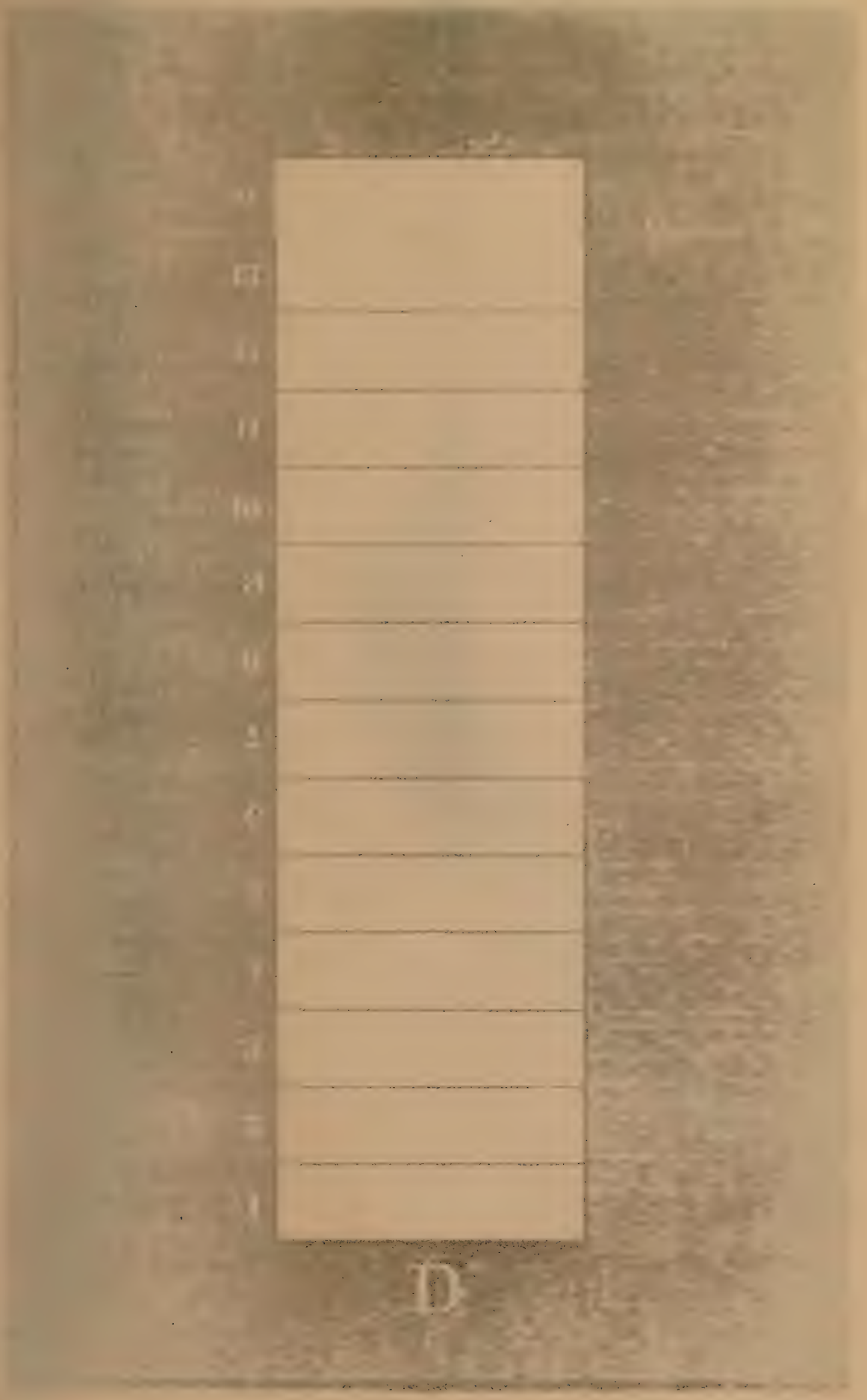

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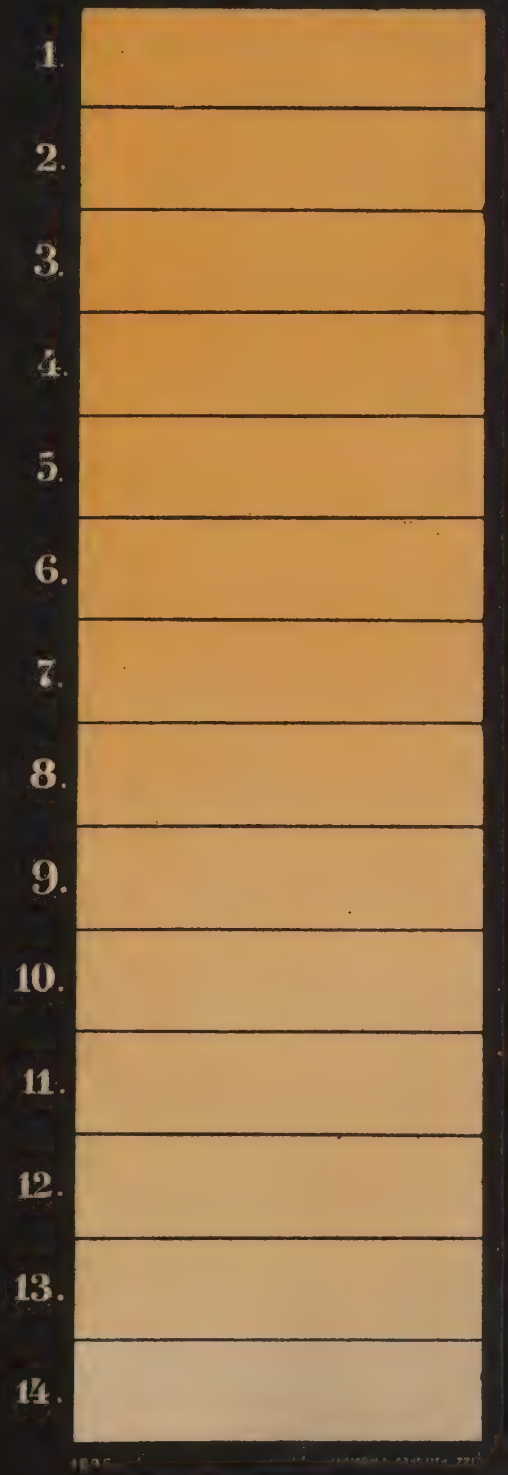

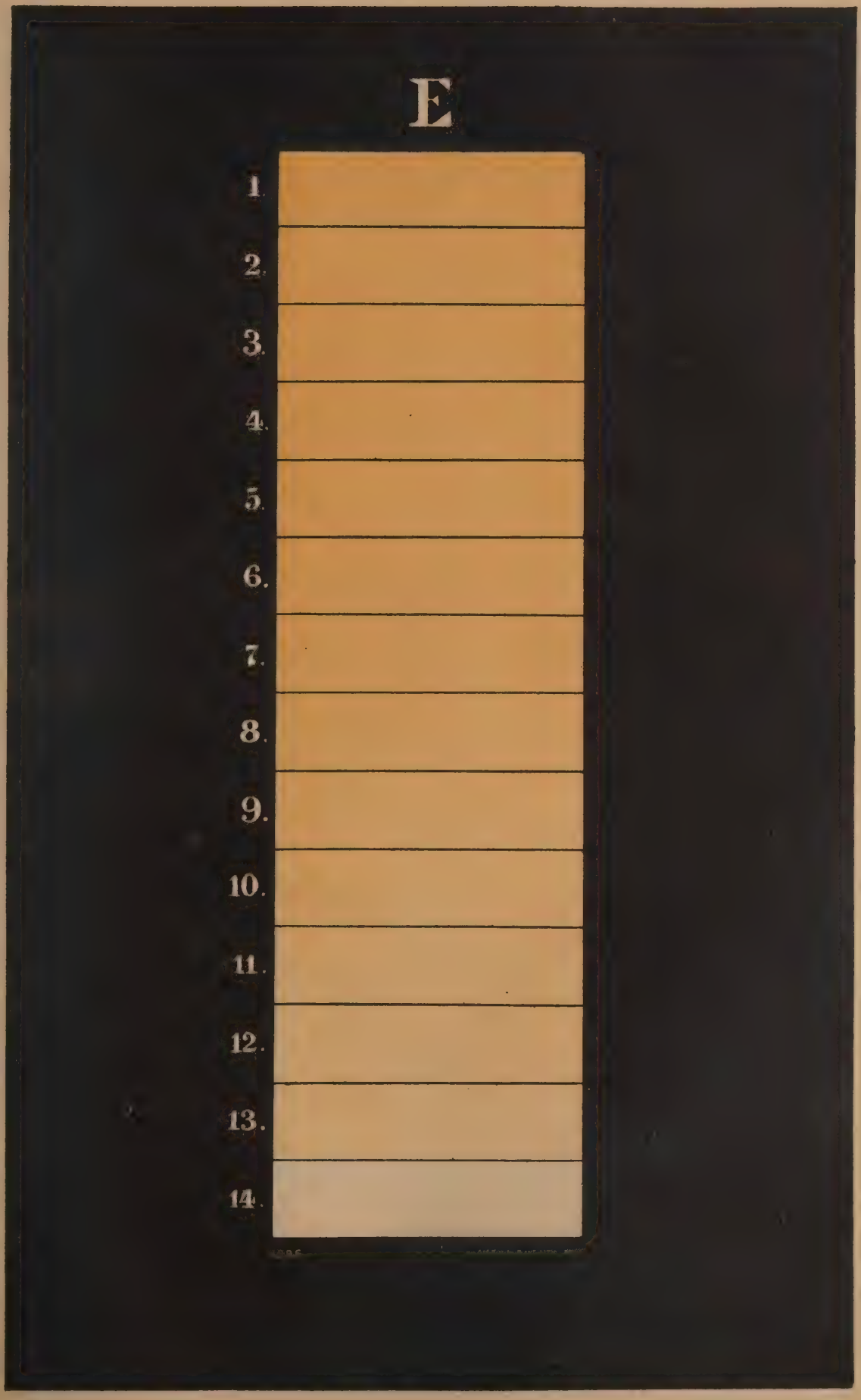
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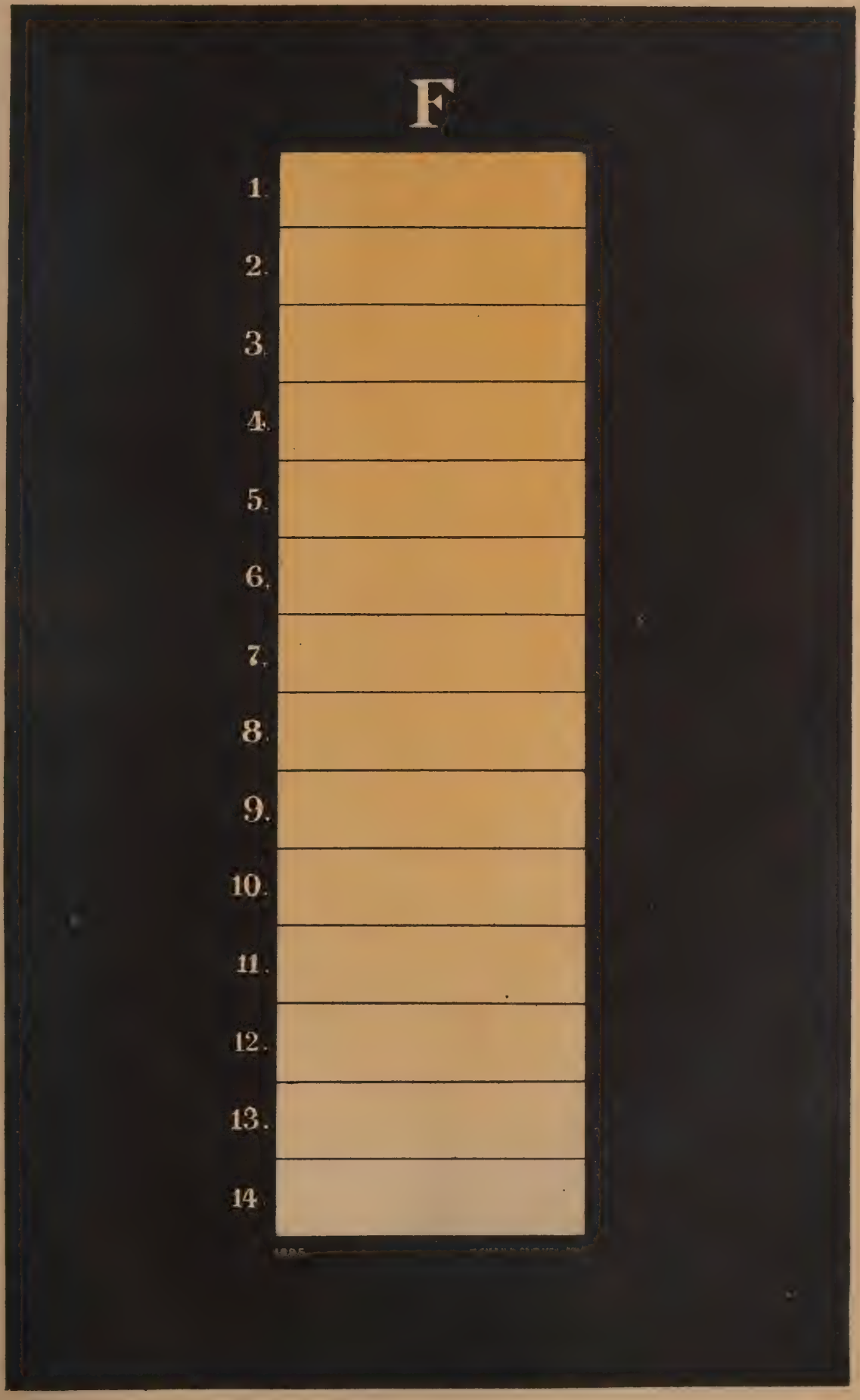
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FORMS of the books to be kept in accordance with Sections 2, 7, and 8 of the Margarine Law, as ordered by the Ministry of the Interior.

Section 2.—MANUFACTURE OF MARGARINE.

Containing _____ per cent. of butter fat.

(All weights are Danish pounds.)

Year.		Finished Product.			Raw Materials used (oleo-margarine, lard, oils, whole milk, skim milk, cream, butter, colour, &c.)	Notes.
Month.	Date.	lbs.	In Casks or Tubs containing lbs.	Total Weight lbs.		
					lbs.	

Section 2.—SALE OF MARGARINE.

(All weights are Danish pounds.)

Year.		Delivered to		Per cent. of butter fat.			Total Weight.	Number of Packages.	Notes.
Month.	Date.	Name (firm).	Address.	p'ct.	p'ct.	p'ct.			
				lbs.	*lbs.*	*lbs.*	*lbs.*		

Section 7.—Import of Margarine.

(All weights are Danish pounds.)

Year.		Imported from		Percentage of butter fat.			Total Weight.	Number of Packages.	Notes.
Month.	Date.	Name (firm).	Domicile.	p'ct.	p'ct.	p'ct.			
				lbs.	*lbs.*	*lbs.*	*lbs.*		

Section 8.—Manufacture of Oleo-margarine.

(All weights are Danish pounds.)

Year.		Finished Product.			Raw Materials used.		Notes.
Month.	Date.	lbs.	In Casks or Tubs containing lbs.	Total Weight lbs.		*lbs.*	

Section 8.—Sale of Oleo-margarine.

(All weights are Danish pounds.)

Year.		Delivered to		Total Weight.	Number of Packages.	
Month.	Date.	Name (firm).	Address.			
				lbs.		

APPENDIX, No. 11.

PAPER handed in by Mr. *C. J. Dunn*, 22 May 1895.

CONTRIBUTION OF COMMISSIONERS OF EDUCATION AND BOARD OF WORKS.

MUNSTER DAIRY SCHOOL AND AGRICULTURAL INSTITUTE.

		£. s. d.
1889–90	Commissioners of Education	455 8 11
	Board of Works	174 12 5
	£.	630 1 4
1890–91	Commissioners of Education	498 15 4
	Board of Works	297 – 8
	£.	795 16 –
1891–92	Commissioners of Education	482 19 2
	Board of Works	264 2 5
	£.	747 1 7
1892–93	Particulars not furnished.	—
1893–94	Commissioners of Education	847 9 3
	Board of Works:	
	Usual	330 – 10
	New Works	517 5 5
	£.	1,697 15 6

APPENDIX, No. 12.

PAPER handed in by Mr. *Haselwood.*

CERTIFICATE of Analysis of a sample of Mustard from Messrs. J. and J. Colman, Carron Works, Norwich.

The Official Seal of the Royal Victoria Yard, Deptford, and marked "Navy Mustard," No. 116, Book U.

Norfolk County Laboratory, London street, Norwich,
17 April 1895.

From the details of analysis comprising the essential and fixed oils and other constituents of the mixture, together with the microscopical examination, the following per centage composition in round numbers is calculated:

	Per cent.
Flour of brown mustard seed	37·00
Flour of white mustard seed	50·00
Ground black pepper	3·00
Ground rice	10·00
Ground chillies	Small quantity.
	100·00

(signed) *Francis Sutton.*

APPENDIX, No. 13.

PAPER handed in by Mr. *Arthur John Giles*, 12 June 1895.

Printed in "Grocer," 26 November 1892.	Punter *v.* Spouse - - - - -	I. 14	Adulterated coffee -	Label notice.
9 September 1892 -	Pure Butter Association *v.* Morgan -	I. 35	Unlabelled margarine -	Wrong person summoned.
Printed in "Grocer," 3 December 1892.	Quinlon *v.* Langwade - - - -	I. 14	Adulterated coffee -	No fraud.
24 March 1894 - -	Rochester Police *v.* Reader - -	I. 17	Adulterated coffee -	Label notice.
25 August 1892 -	Sandys *v.* Dean - - - - -	I. 1	Adulterated baking powder.	No fraud.
17 July 1893 - -	Rugg *v.* De Rutzen - - - -	I. 16	Adulterated coffee -	No fraud.
20 July 1893 - -	Scott-Elder *v.* Smithson - - -	I. 22	Adulterated lard - -	Invoice warranty.
Printed in "Grocer," 13 August 1892.	Smallpiece *v.* Guildford Co-operative Society.	I. 4	Adulterated cocoa -	No fraud.
14 June 1892 - -	Stennett *v.* Rowston - - - -	I. 10	French coffee - -	No fraud.
10 October 1891 -	Storey *v.* Lancaster - - - -	I. 8	Adulterated coffee -	Label notice.
6 July 1891 - -	Taylor *v.* Ward - - - - -	I. 60	Salad oil - - -	No fraud.
Printed in "Grocer," 1 September 1894.	Tipperary Police *v.* Kiely - - -	I. 46	Water in butter - -	No fraud.
25 November 1892 -	White *v.* Morris - - - -	I. 5	Adulterated cocoa -	Label notice.
27 July 1892 - -	Woolwich Local Board *v.* G. Mence-Smith.	I. 63	Adulterated tartaric acid	No fraud.
Printed in "Grocer," 5 November 1892.	Market Drayton Police *v.* Podmore -	I. 13	Adulterated coffee -	Analyst wrong.
Printed in "Grocer," 31 March 1894.	Mintaine *v.* Smith - - - -	I. 17	Adulterated coffee -	No fraud.
Printed in "Grocer," 17 October 1891.	Morris *v.* Raybould - - - -	I. 27	Unlabelled margarine -	Act not complied with by prosecutor.
21 January 1891 -	Morris *v.* Viles - - - - -	I. 24	Unlabelled margarine -	Notice to purchaser.
27 May 1891 - -	Moss *v.* Duerdin and Son - - -	I. 21	Adulterated lard - -	Not a false warranty.
29 June 1891 - -	Mullen *v.* Bromley Co-operative Society.	I. 4	Adulterated cocoa -	No opportunity given to label.
13 June 1894 - -	Falkner *v.* Jones - - - - -	I. 45	Margarine - - -	Act not complied with by inspector.
28 December 1892 -	Penderyn Police *v.* Morgan - -	I. 14	Adulterated coffee -	No fraud.
21 October 1891 -	Pierce *v.* Norcliffe - - - -	I. 48	Separated milk - -	Notice to purchaser.
24 January 1894 -	Wright *v.* Tyler - - - - -	I. 48	Condensed milk - -	Label notice.
5 August 1893 -	Pontefract Police *v.* Lord - - -	I. 16	Adulterated coffee -	Label notice.
23 March 1892 -	Punter *v.* Coomber - - - -	I. 10	Adulterated coffee -	Label notice.
27 June 1894 - -	Crawford *v.* Sharp - - - -	I. 59	Adulterated peppermint lozenges.	Ignorance of law.
1 April 1892 - -	Droitwich Police *v.* Cole - - -	I. 52	Adulterated mustard -	No fraud.
9 August 1892 -	Eastbourne Town Clerk *v.* Green -	I. 13	Adulterated coffee -	No fraud.
8 December 1892 -	Elder *v.* Willson - - - - -	I. 2	Adulterated cheese -	Technical mistake.
8 September 1894 -	Forrest *v.* Mahony - - - - -	I. 46	Water in butter - -	No fraud.
6 November 1891 -	Gill *v.* Roust - - - - - -	I. 8	Adulterated coffee -	Label notice.

Printed in "Grocer," 13 November 1891	Gracey *v.* Wilson	I. 8	Adulterated coffee	Analyst wrong.
14 July 1891	Greenwich District Board of Works *v.* Thomas.	I. 26	Margarine for butter	Analyst wrong.
24 March 1892	Grist *v.* G. Mence-Smith	I. 48	Condensed milk	Act not complied with by inspector.
25 August 1894	Halifax Police *v.* Haigh	I. 19	Adulterated ginger	Act not complied with by inspector.
28 January 1892	Hayton *v.* O'Hagan	I. 30	Water in butter	No fraud.
6 April 1892	Huddersfield Corporation *v.* Lever	I. 10	Adulterated coffee	Notice by label.
5 June 1894	Iliff *v.* Baldon Co-operative Company	I. 19	Adulterated ginger	Invoice warranty.
3 December 1892	Isle of Wight Police *v.* Weeks	I. 37	Adulterated butter	Act not complied with by prosecutor.
28 May 1892	Ackers *v.* Osborne	I. 61	Adulterated seidlitz powders.	Not injurious.
9 April 1894	Arundel Police *v.* Langley	I. 20	Adulterated lard	Act not complied with by analyst.
22 November 1892	Ashford Police *v.* Grist	I. 52	Adulterated mustard	Notice given to purchaser.
4 November 1891	Baker *v.* Elliott	I. 48	Refusal to supply milk	Not exposed for sale.
27 June 1894	Beardsley *v.* International Tea Company.	I. 62	Golden crystallised sugar	No fraud.
29 August 1894	Biggleswade Police *v.* Crawley	I. 46	Adulterated butter	Act not complied with by prosecutor.
Printed in "Grocer," 28 May 1892.	Chelsea Vestry *v.* Radcliffe	I. 61	Adulterated seidlitz powders.	Act not complied with by prosecutor.
	Chelsea Vestry *v.* Sharp			
	Chelsea Vestry *v.* Taylor			
Printed in "Grocer," 12 May 1894.	Chippenham County Council *v.* Pearce	I. 62	Dyed sugar crystals	Notice to purchaser.
18 April 1894	Jones *v.* Morgan	I. 2	Adulterated cake	No fraud.
16 January 1893	Jones *v.* Reynolds	I. 49	"Skim" condensed milk	Label notice.
23 June 1891	Kearley *v.* Tyler (Appeal)	I. 22	Adulterated lard	Magistrates wrongly convicted.
1 June 1891	King *v.* Lucey	I. 24	Margarine without wrapper.	Invoice warranty.
1 June 1891	King *v.* Winsom	I. 24	Adulterated butter	Invoice warranty.
15 October 1891	Knight *v.* Berry	I. 27	Margarine for butter	Act not complied with by prosecutor.
11 November 1891	Knight *v.* Rees	I. 28	Adulterated butter	No fraud.
13 February 1894	Laidlaw *v.* Duncan	I. 20	Adulterated lard	Act not complied with by prosecutor.
Printed in "Grocer," 3 September 1892.	Lewisham District Board of Works *v.* Sizer.	I. 34	Adulterated butter	Analyst wrong.
	Lewisham District Board of Works *v.* Smith.	I. 34		
2 October 1893	Littlehampton Police *v.* Elliott	I. 23	Adulterated lard	Act not complied with by inspector.
1 June 1892	Liverpool Health Committee *v.* O'Byrne.	I. 11	French coffee	No fraud.
14 December 1891	Liverpool Health Committee *v.* Henderson.	I. 9	French coffee	No fraud.
6 September 1890	Louth Police *v.* Rowe	I. 52	Adulterated mustard	Act not complied with by prosecutor.
23 October 1893	Thorney *v.* Cary	II. 46	Adulterated vinegar	Analyst wrong.
21 December 1892	Thorney *v.* Evans	II. 23	Adulterated cocoa, "pearl."	No fraud.
21 December 1892	Thorney *v.* Jones	II. 23	Adulterated coffee	Act not complied with by inspector.
21 December 1892	Thorney *v.* Williams	II. 23	Adulterated coffee	Notice to purchaser.
3 November 1893	Wakefield Police *v.* Bailey and Foster	II. 44	Adulterated vinegar	No fraud.
3 November 1893	Wakefield Police *v.* Goodyear	II. 44	Adulterated vinegar	No fraud.

5 May 1891	Walker *v.* Spink	II. 6	Adulterated peas	Not injurious.
2 January 1893	Ward *v.* Clarke	II. 24	Adulterated coffee	No fraud.
2 January 1893	Ward *v.* Haggett	II. 24	Adulterated coffee	No fraud.
21 April 1892	Ward *v.* Sherson	II. 14	Margarine for butter	Brought under wrong Act.
Printed in "Grocer," 3 June 1893.	Warwick County Council *v.* Watts	II. 35	"Pearl" cocoa	Label notice.
4 April 1891	Waterford Corporation *v.* Mernan	II. 4	Margarine for butter	Invoice warranty.
12 August 1893	Webb *v.* Simmons	II. 39	Water in butter	No fraud.
23 June 1892	Sargent *v.* Clifton	II. 18	Adulterated British wine	No fraud.
28 June 1893	Scott-Elder *v.* Errington	II. 37	Adulterated lard	Invoice warranty.
28 June 1893	Scott-Elder *v.* Graham	II. 37	Adulterated lard	Invoice warranty.
26 November 1893	Southall-Norwood Local Board *v.* Martin.	II. 47	Adulterated milk	Act not complied with by analyst.
8 April 1893	Sparling *v.* Chalk	II. 30	Adulterated lard	No fraud.
8 April 1893	Sparling *v.* Kearley and Tonge	II. 30	Adulterated lard	No fraud.
2 November 1893	Storey *v.* Mansfield Co-operative Society.	II. 44	Adulterated lard	Analyst wrong.
20 March 1893	Sutton Local Board *v.* Whitehead	II. 28	Margarine for butter	Act not complied with by prosecutor.
12 April 1893	Swansea Police *v.* Hopkins	II. 30	Adulterated coffee	Analyst wrong.
27 July 1893	Swansea Town Clerk *v.* King	II. 38	Adulterated jam	Act not complied with by analyst.
12 October 1893	Morris *v.* Gould	II. 43	Adulterated butter	Margarine Act complied with.
2 February 1892	Jones *v.* Everson	II. 12	Unlabelled margarine	Act not complied with by inspector.
31 May 1893	Otter *v.* Edgley (Appeal)	II. 35	Adulterated coffee	No fraud.
6 April 1893	Perrott *v.* Adlam	II. 30	Adulterated butter	Act not complied with by inspector.
Printed in "Grocer," 1 April 1893.	Pierce *v.* Woodward	II. 29	Adulterated liquorice	No fraud.
Printed in "Grocer," 23 April 1892.	Pure Butter Association *v.* Bishop	II. 14	Adulterated butter	Incorrect summons.
8 January 1892	Rochdale Corporation *v.* M'Donnell	II. 10	Adulterated butter	No fraud.
10 April 1893	Rutter *v.* Adams	II. 30	Adulterated mustard	Label notice.
4 January 1893	Salford Health Committee *v.* Torkington.	II. 24	Unlabelled margarine	Analyst wrong.
18 March 1893	Durham County Council *v.* Ryhope Co-operative Society.	II. 28	Adulterated lard	No frand.
24 April 1893	Durham County Council *v.* Willson	II. 32	Adulterated lard	Invoice warranty.
19 September 1893	Fulcher *v.* Hill	II. 41	Adulterated coffee	Label notice.
10 May 1892	Fyfe *v.* Wilson	II. 16	Unlabelled margarine	No offence committed.
24 March 1893	Hackney District Board of Works *v.* Simmonds.	II. 28	Adulterated liquorice	No offence.
1 February 1892	Haslingden Police *v.* Haslingden Co-operative Society.	II. 12	Fry's cocoa	Label a protoction.
Printed in "Grocer," 28 June 1893.	Hazzard *v.* Barrett	II. 25	Adulterated coffee	Label a protection.
26 October 1893	Herts County Council *v.* Kearley and Tonge.	II. 44	Adulterated vinegar	Analyst wrong.
20 December 1892	Jennings *v.* Aberdare Co-operative Society.	II. 23	Adulterated butter	No fraud.
20 December 1892	Jennings *v.* Jones	II. 23	Water in butter	No fraud.
1 June 1893	Jones *v.* Davies	II. 35	Skimmed condensed milk	Label notice.
26 September 1893	Jones *v.* Davies	II. 42	Adulterated coffee	Label notice.
21 June 1893	Jones *v.* Lewis	II. 36	Adulterated coffee	Notice to purchaser.

21 June 1893	Jones *v.* Rowlands	II. 36	Watered cheese	No fraud.
5 December 1893	Keighley County Council *v.* Groves	II. 48	Adulterated vinegar	Analyst wrong.
Printed in "Grocer," 2 May 1891.	Kensington Vestry *v.* Ballantyne	II. 5	Adulterated coffee	Notice to purchaser.
6 June 1892	Kent County Council *v.* Wood	II. 17	Aultedrated mustard	Label notice.
2 September 1893	Kewell *v.* Penney	II. 40	Adulterated baking powder.	Not an article of food.
25 March 1893	Kittoe *v.* Nixon	II. 29	Adulterated lard	Notice given to purchaser.
23 December 1891	Knight *v.* Shaw	II. 8	Adulterated butter	Act not complied with by prosecutor.
15 September 1893	Kyle *v.* Wakefield Industrial Co-operative Society.	II. 41	Adulterated coffee	Label notice.
5 January 1893	Laird *v.* Bardsley	II. 24	Water in butter	No fraud.
6 May 1892	Limerick Corporation *v.* King	II. 16	Margarine as butter	Invoice warranty.
13 January 1892	Liverpool Corporation *v.* Boote	II. 10	Unlabelled margarine	Not exposed for sale.
8 June 1892	Liverpool Corporation *v.* Wharton	II. 17	Preserved peas	Not injurious.
30 December 1891	Loughborough Police *v.* Mayo	II. 9	Adulterated coffee	Accidental mistake by seller.
6 December 1893	Manchester Corporation *v.* Ritson	II. 48	Adulterated vinegar	Analyst wrong.
5 December 1891	Martin *v.* Bailey	II. 7	Adulterated coffee	Label notice.
5 December 1891	Martin *v.* Norris	II. 7	Adulterated coffee	Label notice.
5 December 1891	Martin *v.* Verstage	II. 7	Adulterated coffee	Label notice.
25 September 1893	Merthyr Tydfil Police *v.* Price	II. 42	Adulterated vinegar	Analyst wrong.
25 September 1893	Merthyr Tydfil Police *v.* Thomas	II. 42	Adulterated mustard	No fraud.
Printed in "Grocer," 22 October 1892.	Westbury Police *v.* Bence	II. 21	Adulterated coffee	Label on tin.
29 March 1893	West Ham Vestry *v.* Birchall	II. 29	Condensed milk	Label notice.
19 December 1892	Westminster Vestry *v.* Haile	II. 23	Margarine for butter	Act not complied with by inspector.
22 December 1891	West Riding County Council *v.* Schofield.	II. 8	Adulterated butter	Act not complied with by inspector.
16 January 1892	Whincup *v.* Ellison	II. 11	Adulterated butter	Invoice warranty.
10 February 1893	Wiggs *v.* Palmer	II. 26	Adulterated coffee	Wrong sample produced in court.
23 December 1891	Woolwich Local Board of Health *v.* Purves.	II. 8	Adulterated cocoa	No fraud.
27 May 1893	Wright *v.* Middlesex County Council	II. 35	Skimmed condensed milk.	——
27 April 1894	Norfolk County Council *v.* G. Grimmer Norfolk County Council *v.* Kingston	III. 7	Adulterated butter	Analyst wrong.
6 March 1894	Oldbury Police *v.* Cooper	III. 3	Adulterated mustard	No fraud.
1 March 1895	Otley Police *v.* Coupland	III. 23	Water in butter	Invoice warranty.
10 January 1895	Parker *v.* Latcham	III. 15	Adulterated coffee	No fraud.
21 July 1894	Petworth Police *v.* Knight	III. 10	Adulterated cheese	No fraud.
25 February 1895	Pontefract County Council *v.* Bratley Pontefract County Council *v.* Maud	III. 22	Adulterated white wax	No fraud.
26 March 1895	Pure Butter Association *v.* Edmonds	III. 26	Unlabelled margarine	Not exposed for sale.
27 March 1895	Pure Butter Association *v.* Jones	III. 26	Unlabelled margarine	Not exposed for sale.
5 March 1895	Pure Butter Association *v.* Allen	III. 23	Margarine for butter	Act complied with.
4 March 1895	Pure Butter Association *v.* Leverett and Frye.	III. 23	"Le Dansk"	Act complied with.
18 March 1895	Pure Butter Association *v.* Pearce & Co.	III. 25	Margarine as butter	Not exposed for sale.
4 March 1895	Pure Butter Association *v.* Sherwin	III. 23	"Le Dansk"	Act complied with.
14 February 1895	Hampshire County Council *v.* Moore	III. 20	Adulterated cocoa	No fraud.
17 September 1894	Rutter *v.* Rosser	III. 13	Adulterated lard	Invoice warranty.

21 January 1895	Sandys *v.* Fancourt	III. 17	Adulterated mustard	Technical breach of the Act.
10 July 1894	Sandys *v.* Hardwicke	III. 9	Unlabelled margarine	Invoice warranty.
19 January 1894	Sheffield Corporation *v.* Cawthorne	III. 1	Adulterated coffee	No fraud.
5 March 1894	Southport Corporation *v.* Churchtown Co-operative Society.	III. 3	Adulterated lard	Analyst wrong.
18 January 1895	Suffolk Police *v.* Mullen	III. 17	Adulterated coffee	Analyst wrong.
23 February 1894	West Riding County Council *v.* Leeds Co-operative Society.	III. 2	Adulterated lard	Invoice warranty.
30 July 1894	York Town Clerk *v.* Ayres	III. 11	Adulterated vinegar	Analyst wrong.
19 March 1894	Ystrad Police *v.* Davies	III. 4	Adulterated German yeast.	No fraud.
19 March 1894	Ystrad Police *v.* Lock	III. 4	Adulterated lard	Invoice warranty.
19 March 1894	Ystrad Police *v.* Shepherd	III. 4	Adulterated lard	Invoice warranty.
18 January 1895	Suffolk Police *v.* Clark	III. 17	Adulterated butter	Analyst wrong.
21 February 1894	Jones *v.* Jones (Appeal)	III. 2	Adulterated "Pearl" cocoa.	No fraud.
Printed in "Grocer," 27 January 1894.	Kearley and Tonge *v.* Byrne (Appeal)	III. 1	Adulterated lard	Invoice warranty.
27 February 1895	Larchester Police *v.* Newcastle Co-operative Society.	III. 22	Adulterated cassia	Warranty held.
10 January 1895	Lea *v.* Williamson	III. 15	Adulterated butter	Margarine Act complied with.
30 July 1894	Lindsay *v.* Rook (Appeal)	III. 11	Adulterated vinegar	Conviction of retailer quashed. Invoice warranty.
20 January 1894	Luton Authorities *v.* Cooper	III. 1	Adulterated butter	Analyst wrong.
8 March 1895	Marriott *v.* Morton	III. 24	Margarine as butter	Invoice warranty.
11 February 1895	Middlesex County Council *v.* Taylor	III. 20	Unlabelled margarine	Not exposed for sale.
20 March 1894	Aberdare Police *v.* Prosser	III. 4	Adulterated lard	Invoice warranty.
22 January 1895	Alton Police *v.* Jones	III. 17	Adulterated butter	Invoice warranty.
13 March 1895	Baker *v.* Dixon	III. 24	Skim-milk cheese	Invoice warranty.
Printed in "Grocer," 9 March 1895.	Berkhampstead Police *v.* Young	III. 23	Unlabelled margarine	No fraud.
5 February 1895	Bristol Police *v.* Shirley	III. 19	Preserved peas	Not injurious.
19 September 1894.	Cardiff Town Clerk *v.* Walters	III. 13	Adulterated ginger	Doubtful if article of food.
2 May 1894	Coventry Sanitary Authority *v.* Caffelle.	III. 7	Unlabelled margarine	No fraud.
18 February 1895	Elder *v.* Danish Dairy Company	III. 21	Margarine for butter	Notice given to purchaser.
15 March 1895	Gamble *v.* Grayson	III. 25	Adulterated lard	Analyst wrong.
15 March 1895	Gamble *v.* Simpson	III. 25	Adulterated lard	Analyst wrong.
30 January 1895	Gardner *v.* Neighbour	III. 19	Adulterated butter	No fraud.
—	Glamorgan County Council *v.* Duerden.	III. 17	Adulterated lard	Invoice warranty.
30 March	Grimes *v.* Kearley and Tonge	III. 5	Adulterated butter	Analyst wrong.
22 January 1894	Hincks *v.* Garrett	III. 1	Adulterated butter	Act not complied with by inspector.
23 April 1894	Ixworth Police *v.* Girkin	III. 6	Adulterated butter	Invoice warranty.

APPENDIX, No. 14.

PAPER handed in by the *Chairman*.

PRÉCIS OF FOREIGN LEGISLATION.

ITALY.

By a law of 22nd December 1888, adulteration is punished by fine or imprisonment, and by confiscation of the article. A heavy punishment is inflicted for the use in tinting articles of food of certain pigments.

A further law of 3rd August 1890, distinguishes between adulteration or forgery of articles of food, and the addition of harmless ingredients without fraudulent intention. The sale of the latter is not penal, if the article is clearly and properly labelled.

Minute directions are given defining what does and what does not constitute fraudulent adulteration of milk, butter, cheese, eggs, animal and vegetable fats, olive oil, farinaceous foods, bread, honey, sugar, wine, beer, spirits, vinegar, coffee, tea, chocolate, and other articles. The law is definite with regard to margarine and other substitutes for butter.

SWEDEN.

By a law of the 20th June 1890, adulteration of food, when it involves the addition of hurtful ingredients, is punished by imprisonment with hard labour. This is increased in severity if anyone is rendered ill, or dies, from having eaten this adulterated food.

No particulars regarding the treatment of innocuous substitutes for particular foods are supplied from Sweden.

NORWAY.

By a law of 28th June 1890, the sale of adulterated or forged articles of food is punished as fraud.

Boards of Health have large powers to seize and destroy any deleterious article of food fraudulently offered for sale in public. To these boards and to the police the duty of checking adulteration is principally entrusted, and Norway possesses no other special regulations with respect to fraudulent trade in food or drinks.

RUSSIA.

By the Sanitary Code of Russia, it is provided that noxious adulteration shall be heavily punished. This punishment is elaborately calculated in relation to the amount of harm done to the person in the particular case on which the trial is founded. It goes as far as to six years' imprisonment, or life-long banishment to Siberia.

The Code specially protects by name beer and wine, and tea. It is absolutely forbidden to adulterate tea with willow herb, all such mixtures being ordered to be destroyed. No mention is made of butter surrogates.

DENMARK.

By the Civil Criminal Code of 10th February 1866, it is held that the adulteration of food is a form of obtaining money under false pretences, and is so punishable.

With the exception of this provision, and a few ministerial circulars respecting diseased meat, nothing was done to check adulteration in Denmark until 1891, when a Food Inspection Act was passed. This Act was revised in 1894, and in its new form came into force on the 1st of October. The Ministry of Justice is authorised by it to issue regulations defining what may and what may not be mixed with wine and spirits. These seem to be the only products which the new law protects with elaborate detail.

The food inspection of Copenhagen is in the hands of the Local Board of Health, whose powers were, in 1886, much augmented by having placed at their disposal a hygienic laboratory.

Recent legislation defining the limits of the sale of margarine in Denmark, has already been fully described in reports of the Board of Trade.

AUSTRIA.

The Austrian police is very active in prosecuting offenders on a charge of fraudulent adulteration of food. Action is taken in the police courts, and the offence treated as fraud.

For the purpose of dealing with adulteration more conveniently than under the existing Criminal Code, a Bill was laid before the Diet in 1891, of a comprehensive kind. This Bill, however, did not pass into law, and was eventually withdrawn. It was brought forward again, with improvements and modifications in 1894, and it is now (September 1894) expected shortly to pass into legislation.

The existing Criminal Code enacts that the adulteration of wine, beer, and spirits, by injurious ingredients is a misdemeanour, to be punished by a not very heavy fine, but also with the exclusion of the misdemeanant for life from the trade which he has been exercising. The Code proceeds to give a long list of adulterable articles, such as coffee, meal, &c., and specifies the limits of what is permissible.

The new Bill, if it becomes law, will provide for the first time in Austria, with the special supervision and official examination of food products by officials appointed by the Government. It does not confine itself to foods and drinks, but includes the fraudulent manufacture of a variety of articles. It proposes the appointment of food-supervisors, describes their duties, and give the Government very wide powers to inspect and regulate factories in which food is prepared.

HOLLAND.

By the Dutch Criminal Code the adulteration of food, drink, and medicine, is punished by a maximum imprisonment of three years. These articles are considered as adulterated when their value or their usefulness is lessened by the admixture of foreign substances.

By a law of 22nd June 1889, the manufacture of butter surrogates was very carefully defined, and the limits laid down within which margarine might be manufactured without infraction of the Criminal Code.

The general inspection of food and drink is undertaken by the police, special regulations, especially in Amsterdam and Rotterdam, giving to the burgomaster and town council extended powers for dealing promptly and effectively with frauds of this nature. These police regulations, which are very minute, appear to have been found sufficient without special legislation, except in the case of butter.

SPAIN.

By the Spanish Penal Code, a clause on "frauds" in which adulteration is not specially mentioned, is understood to cover the fraudulent lessening of the value of foods and drinks.

Police regulations specially guard over the purity of bread, milk, wines, and spirits, sweetmeats, &c. These regulations, however, differ in each municipality, and royal orders are occasionally issued dealing with cases of adulteration discovered in single provinces. These frequently deal with the degree in which cotton oil may be mixed with olive oil, or with the mode in which the deterioration of flour may be prevented. The police are empowered to visit and report upon all places where foods and drinks are manufactured or sold in retail.

THE UNITED STATES.

In America, adulteration of food is a matter, not of national, but of State regulation. In each State laws of a somewhat different character are in force. Information has been forwarded by seven States of the Union, namely, by New York, Iowa, Connecticut, Texas, Florida, Maine, and Virginia.

The condition of foods, drinks, and drugs, sold to the public, is under the inspection of the State Boards of Health, who are empowered to appoint inspectors, analysts, and chemists, to investigate the matter. Milk and dairy products generally are, in most of the States, protected by regulations of peculiar fulness and stringency. Butter, imitation butter, and cheese, have, since 1884, been the objects of elaborate local legislation.

In many States a food commissioner is appointed, whose duty it is to see that the State Laws, with regard to food, drink, and drugs, are properly enforced. This officer is empowered to fit up laboratories, and to appoint analysts to work under him. He may enter, in company with his assistants, any food manufactory or saleroom, or any place which he has reason to believe is used for such purposes, and may seize and analyse any article he finds there. With regard to dairy produce his powers are particularly wide. It appears to be this officer or commissioner on whom, in the State of Maine, devolves the duty of preventing the sale of intoxicating liquors for any but medicinal, mechanical, and manufacturing purposes. In most cities inspectors of vinegar are appointed. Honey, too, is in some places the object of special regulations.

FRANCE.

By a law of 1st April 1851, the National Assembly made it a penal offence to falsify articles intended to be circulated as food, drink, or medicine, or to sell the same. The penalty for infringement of this law varies in degree, according to the more or less noxious character of the adulteration.

A law of 1887 defines the employment of the term "butter," and forbids the sale of all substances and mixtures intended to replace that article, insisting that these should be sold under the respective designations of "margarine," "oleo-margarine," and "food fat."

It was, however, soon found that it was not easy, under this law, to punish the numerous frauds which occurred in the dairy industry, and in 1893 the Chamber nominated a Committee to inquire into a better mode of dealing with the difficulty. A Bill, founded on the report of this Committee, was, in May 1894, submitted to the French Chamber. It defines, with much greater stringency, the limits of what may legally be described as "butter," and what the elements must be of a substance which is allowed to be sold under the title of "margarine," "oleo," "butterine," &c.

GERMANY.

By a law of 14th May 1879, the trade in articles of food and drink was placed in the hands of the police, to whom full powers were given to visit premises where such articles were exposed for sale, and to remove portions for analysis.

At the same time it was laid down that the adulteration of food stuffs could be prohibited or limited by decree of the Imperial Government, in concert with the Federal Council. Heavy penalties were provided for the carrying out of the law.

On the 5th of July 1887, a law was passed limiting the use of harmful colours in the preparation of articles of food. These materials were very fully enumerated.

One week later a law was passed respecting the trade in butter substitutes. This law is published in the English reports on margarine.

On the 20th of April 1894, a law was passed guarding the trade in wine and liquors against fraud, and limiting the degree to which imitations of wine can be circulated. This law names various ingredients which it makes it penal to add to wine or to any liquid intended for human consumption. It also defined the processes which shall not be considered as the adulteration or imitation of wine.

BELGIUM.

By a law of 4th August 1890, the Belgium Government undertook to regulate and superintend the entire system of the manufacture and sale of food and drink. This law acts in surveillance of the preparation of food, as well as in the prohibition of the employment of dangerous and hurtful utensils or materials of every kind.

The provisions of the law are under police supervision, and the burgomaster of each commune is obliged to aid the agents of the Government in discovering and in preventing the sale of adulterated or imitated food-stuffs of a noxious nature. Special regulations deal with the steps to be taken in preserving the genuine character of particular articles, such as beer, butter, flour, coffee, vinegar, chocolate, and spirits.

In 1893, the Belgium Government issued a long and detailed report on the practical working of the law of 1890, showing what frauds had been prevented and what articles of consumption improved.

SWITZERLAND.

By the Constitution of 1848, the Swiss Confederation has the right to protect its citizens from all fraudulent sale and adulteration of food-stuffs, the police being empowered to take punitive action in the matter. In 1886 and 1890 laws were passed for the special protection of wines and spirits, the sale of adulterated wine having become very general in Switzerland. The Federal Assembly is now (1895) giving its attention to a complicated scheme of legislation on the subject of the trade in food-stuffs, and in this particular attention is given to milk, flour, meat, butter, wine, and beer.

APPENDIX, No. 15.

PAPER handed in by Mr. *Arthur John Giles*, 12 June 1895.

PROSECUTIONS by the Metropolitan Grocers and Provision Dealers' Association.

1891–92.

1. FOR the non-registration of a margarine factory as required by law, the proprietor was, by the prosecution of the Council, fined 2*l.*, and 1*l.* 5*s.* costs.

2. For selling 1*s.* butter adulterated with 60 per cent. of foreign fat, and 1*s.* 2*d.* butter adulterated with 40 per cent. of foreign fat, a trader was, at the instance of the Council, fined 5*l.* and costs for each offence.

3. For selling 10*d.* butter adulterated with 75 per cent. of foreign fat, and 1*s.* butter adulterated with 50 per cent. of foreign fat, a trader summoned by the Council was fined 18*l.* and costs for the two offences.

1892–93.

During the year, the Council have again taken proceedings against some of the most flagrant offenders for selling margarine as butter, and brought four prosecutions. In two cases, fines of 15*l.* and 1*l.* and costs respectively were inflicted, but in the other two, the cases were dismissed.

1893–94.

During the past year the Council has again taken up prosecutions for the illegal sale of this article, with the result that a fine of 40*s.* and costs was imposed in one case ; in another case, a fine of 15*l.* was imposed ; in a third, a fine of 5*l.* ; in a fourth, a fine of 10*s.* ; in a fifth, a fine of 1*l.* ; in a sixth, a fine of 1*l.* Other cases have been laid before the authorities, and as they have failed to prosecute, the cases are now being dealt with by the Association's solicitor. In one instance, in which the Association's inspector was ta king samples for the purposes of prosecution, he was assaulted, with the result that the tradesman who interfered with him was fined 20*s.* and costs. In all cases where proceedings have been taken by the Association they have been successful, proving that the Association only act on definite information, and do not act in a persecuting manner.

1894–95.

During the year, two cases have been taken up by the Council, which were notorious for the fraudulent sale of margarine, when in one instance a fine of 1*l.* was inflicted, and in another, a fine of 5*l.* The Council regret that the authorities are not more active in bringing these prosecutions, as it is notorious that fraud is most openly carried on without the application of the existing law, which, if promptly and intelligently enforced is believed to be ample for the protection of the public and the honest dealer. More convictions might have been secured by your Council, but the proceedings when taken by others than the public officers, are costly and difficult, although it might again be pointed out that the Council have never yet failed in any prosecution which they have brought.

APPENDIX, No. 16.

PAPER handed in by Mr. *Hartley Wilson*, 18 June 1895.

CASES in which Prosecutions for the Sale of Margarine have been brought under the Sale of Food and Drugs Act, when the Margarine Act has been complied with.

Name.	Police Court.	Date.
Joseph Bill	Liverpool City Police Court	11 February 1891.
Joseph Hill	Burton-on-Trent Police Court	April 1891.
W. Mansell	Liverpool County Magistrates Court	17 June 1891.
J. Hunking	Liverpool County Magistrates Court	17 June 1891.
H. Friedmann	North London Police Court	23 March 1892.
Home and Colonial Stores	Southwark Police Court	6 April 1892.
Ralph Slater	Liverpool City Police Court	30 November 1892.
T. Chisnall	St. Helen's Police Court	23 August 1893.
T. Jones	Liverpool Police Court	28 March 1894.
Williams Brothers	Marylebone Police Court	18 April 1894.
Mr. Bradford	Liverpool Police Court	23 December 1891.
R. T. Jolly	Stratford Petty Sessions	7 January 1892.

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A.

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1. *Percentage of Water in Irish and other Butters; Question of a Maximum or Water Standard.*
2. *Use of Brine in making Irish and other Butters.*
3. *Colonial Butter.*
4. *Brittany and Normandy.*
5. *Danish Butter.*
6. *Price.*
7. *Inspection.*
8. *Fines and Penalties for Adulteration.*
9. *Other Details and Suggestions generally.*

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BUTTER—continued.

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Import chiefly of Danish butter into Scotland; limited import from the Colonies or the States, *Hamilton* 3095–3105——Reason for the less water in Danish than Irish butter, ice being readily available, *Watson* 4078, 4079. 4159–4161——Very similar quality and price of Irish butter and Danish butter as sold by the Maypole Dairy Company, *ib.* 4152–4154. 4177, 4178.

6. *Price:*

Considerable fall in the price of butter due to large shipments from the Colonies and foreign countries, the tendency being still downward, *Thompson* 1040–1043. 1103, 1104. 1136–1141——Present average price of Irish salt butter about 74*s.* to 76*s.* per cwt., the best creamy butter being from 8*s.* to 10*s.* per cwt. higher, *W. L. Stokes* 1961–1969 ——Great increase in the import of butter from the Colonies, the price generally having largely fallen; sale of fresh butter by witness' company at 10*d.* and 11*d.* per lb., *Watson* 4097–4103. 4152–4154. 4178. 4182–4186.

7. *Inspection:*

Desirability of butter factories and creameries where butter is made being open to inspection, like margarine manufactories, *Hickey* 778. 919, 920——Suggestion that the inspectors should be empowered to take samples of butter while in transit from the retailer to the house of the customer; belief that some retailers make up a special mixture which they do not sell over the counter, *Hudson* 1317–1325. 1448–1458. 1486–1490——Expediency of the inspectors being empowered to take samples of butter from factories, creameries, shops, hotels, vans, &c.; approval of the appointment of travelling inspectors, *O'Sullivan* 2766–2784. 2793–2795.

Conclusion

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BUTTER—continued.

7. *Inspection*—continued.

Conclusion that it should be imperative on the local authorities to enforce inspection, and that special inspectors are required, *Hamilton* 3071–3076. 3117, 3118. 3152–3154. 3182, 3183——Belief that in some cases the inspectors are open to being bribed; desirability of a heavy penalty being imposed in all cases where there is any difficulty or obstruction in taking samples, *Ling* 3759 *et seq.*; 3805–3828. 3834–3837.

8. *Fines and Penalties for Adulteration:*

Insufficiency of the penalties imposed on persons convicted of selling adulterated butter; contention that the fines should be heavier and that the punishment for the third offence should be imprisonment, *Lovell* 51–58. 137. 289–294. 316–318. 336, 337——Approval of the punishment of persons fraudulently adding water to butter, *Dale* 2538–2541——Opinion that the punishment for adulteration of butter ought, after the third or fourth conviction, to be imprisonment, *ib.* 2582–2585. 2665–2673. 2729–2735.

Proposal that in cases of conviction for the adulteration of butter the prosecutor should receive at least half the fine imposed, and that after the third conviction there should be imprisonment without the option of a fine, *O'Sullivan* 2763–2765. 2785–2788——Recommendation that samples of butter be taken at all ports of entry and heavy fines imposed on all importers of adulterated butter, it being made compulsory for the wholesale man who gives the guarantee to be prosecuted; approval of imprisonment or a very heavy fine on the third conviction, *Clement* 2834–2841. 2864, 2865. 2958 *et seq.*; 2974–2983.

Experience of witness that the magistrates give undue weight to the plea of accident in prosecutions for the sale of mixtures as pure butter; in a few cases the shopkeepers never had an ounce of butter in their shops, *Ling* 3744–3749——Proposal that, with a view to stopping fraudulent sales of mixtures as butter, a central authority be established to which the public could go, and, on depositing 5*l.*, have the right to instruct the police to take a sample for analysis, the deposit being returned and the tradesman prosecuted if the sample proved to be adulterated, and the deposit forfeited if the sample proved to be pure, *ib.* 3750 *et seq.*; 3819–3824. 3848, 3849——Explanation that witness' proposal as to a central authority is made with a view to getting an additional protection to the butter trade against dishonest competition, the present system under the vestries being very inefficient, *ib.* 3753 *et seq.*

9. *Other Details and Suggestions generally:*

Witness (who is agent for William Warner, of Bantry, and James Robertson, of Strabane, Irish exporters of butter) explains the French system of butter factories in preparing butter in Ireland, *Lovell* 11–14. 180–189. 306–309——Experience of witness that butter is adulterated to a very great extent; successful action taken by witness' firm to stop the adulteration of butter coming from France, *ib.* 33–35.

Doubt as to any adulterated butter being brought in from foreign countries at the present time; very severe steps having been taken to stop the practice, *Thompson* 1011–1016. 1045–1048. 1130–1135——Experience of witness' firm that although factory butter is of more uniform quality, it does not keep so well as creamery butter; great decrease in the sale of factory butter in Lancashire, *ib.* 1029–1039——Absence of necessity for a written warranty; opinion that the invoice sent with the butter to the retailer is sufficient, *ib.* 1049–1051——Great improvement in the quality of butter, the standard of purity being much higher now than it was years ago; opinion that the competition of different parts of the world may be trusted to keep the English public supplied with good butter at a low price, *ib.* 1059–1064.

Evidence to the effect that witness' firm, in order to guard against fraud, compels the manufacturer or shipper to give a guarantee that he will supply nothing but pure butter, and to put a notice to that effect on every invoice, *Hudson* 1243–1247. 1376–1385——Statement that the London Butter Association was formed because the local bodies and those entrusted with the working of the Acts did not do their duty; considerable success of the association so far, *ib.* 1400 *et seq.*; 1506–1511.

Opinion that the sale of mixtures gives rise to much unfair competition and swindling; recommendation that if mixtures be not prohibited altogether, the butter fat in them ought to be limited to 15 per cent., *Faber* 1662 *et seq.*——Considerable amount of adulterated butter imported from Hamburg, which could be stopped at the port of entry if samples were taken and analysed; instances of Hamburg factory butter being marked as guaranteed pure butter in Manchester, *ib.* 1680–1685. 1721, 1722. 1770–1789——Improvement in the quality of Irish butter during the last few years due to competition in the butter market, and to the better education of the farmers; doubt as to margarine having had anything to do with the improvement, *W. L. Stokes* 1938–1960. 1982–1984. 1999–2004.

Explanation that butter fat is composed of oleine and stearine, the butter produced on rich land containing more of the former and that produced on poor or dry land more of

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BUTTER—continued.

9. *Other Details and Suggestions generally*—continued.

the latter; intrinsic value of lowland butter less than that of mountainy butter, *Gibson* 2112–2120——Decided opinion that the public are good judges of butter, *ib.* 2152–2156.

Evidence to the effect that witness' association was formed in 1886 for the purpose of improving the manufacture of Irish butter and afterwards for enforcing the provisions of the Sale of Food and Drugs Act, *R. Hickey* 2180 *et seq.*——Statement that Irish butter is not and never has been adulterated with margarine, *ib.* 2223, 2224——Beneficial effect of the dairy schools on the butter trade of Ireland; advisability of planting more schools in Limerick, Waterford, and Kerry, *ib.* 2240–2245.

Great desirability of the Local Government Board being invested with stronger power to compel local authorities to do their duty as regards the adulteration of butter; doubt as to the public being good judges of the article, *Dunn* 2290–2299. 2350–2352. 2364–2371. 2436 *et seq.*; 2504, 2505——Detailed explanation as to the system of testing butter in Cork Butter Market, where there is a perfect apparatus for testing the quantity of water; practice of the market trustees to prosecute whenever there is more than 21 per cent. of water in the butter brought to market, forty-one convictions having already been obtained, *ib.* 2305 *et seq.*; 2372 *et seq.*; 2451–2466. 2485–2503——Diversity of opinion as to the best mode of preserving butter, *ib.* 2332——Opinion that the individual farmers are able to produce as good butter as that made at the factories and creameries; undesirability of any extension of the factory or creamery system, *ib.* 2333–2338. 2471–2480.

Evidence to the effect that witness' firm (Cork) receives the butter direct from the farmers and salts it with dry salt and "preservitas" to preserve it, packing it in different packages to suit various markets, *Dale* 2518–2537. 2629–2635. 2698–2729——Very little adulteration of any of the Oregon butters sold in Scotland, *Hamilton* 3012, 3013——Objection to the importers being responsible if adulterated butter be sent to them from abroad and represented as genuine, *ib.* 3184–3187.

Varying regulations in foreign countries as to the percentage of pure butter to be contained in artificial butter, *Van Der Bergh* 3312, 3313——Non-objection to stricter examination at the port of entry, *ib.* 3377. 3392–3397——Approval of mixtures being marked as "mixtures" or as "butterine," *ib.* 3382–3386. 3443–3446. 3532–3535——Very little butter now coming from Belgium, *ib.* 3391.

Belief that the import of adulterated butter is very limited, *McCallum* 3617–3619——Very limited trade in home-made butters, there being practically no London market for English butters; dealings of witness' firm mainly in Danish and Colonial butters, *ib.* 3622–3629. 3681–3694——Check upon adulterated imports if the Customs were required to examine any suspected parcels, *ib.* 3640–3645.

Evidence to the effect that Irish butter has largely gone out of the Glasgow market, its place having been gradually taken by Australian butter; the bulk of the butter now coming to Glasgow is Danish, *Osborne* 4548–4561——Suggested responsibility in foreign Governments as regards the quality of the butter sent to this country, *ib.* 4617 *et seq.*; 4647–4674. 4680, 4681.

Petition of the Butter Association submitting several suggestions for the amendment of the existing law and regulations, *App.* 368.

See also *Manchester. Margarine.*

C.

Candied Peel. Inoperativeness of the Act in the case of candied peel that has had the essential oil extracted from it, *Harvest* 6301–6308.

Cantharides. Information respecting cantharides, two varieties of which are sold, both usually being genuine, *Umney* 6417–6427.

Caraway Seeds. Large importation of exhausted caraways which are mixed with unexhausted ones and sold whole or ground, *Rogers* 5882–5886——Instance of a quantity of caraway seeds, adulterated with exhausted seeds, being put up for public sale, but withdrawn at the request of members of the trade, *Forster* 6253–6260——Large trade in Mincing-lane in spent caraway seeds, which are bought for use as an adulterant, there being nothing in the Act to prevent this fraud, *Harvest* 6292–6301.

Cassia. Injustice of the operation of the Act in some recent prosecutions for the sale of cassia with 6 per cent. of extraneous matter, several defendants being fined notwithstanding that the Act allows for the unavoidable mixture of extraneous matter with drugs, &c., *Harvest* 6308–6310.

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Central Department. Suggestion that the proposed central Government Analytical Department should have sufficient funds, appliances, and skilled assistance to enable it to make original researches into adulteration and its detection, to be in constant communication with local analysts, and to fight important and expensive cases, *Rogers* 5959, 5960. 5996–6000. 6050 *et seq.*; 6119–6123——Conclusion that if a Government Analytical Department were established foreign governments would communicate with it, in regard to preventing adulterations, *ib.* 6057 *et seq.*

Evidence in support of recommendation that there should be established an expert board of reference to whom all disputed points could be referred, and who could set forth the definitions, limits, and standards of quality and purity, and lay down general rules for the administration of the Acts, *Robinson* 7225–7255. 7272——Approval of the establishment of an expert board of reference, on the ground that it would facilitate the working of the Act to the advantage of the public as well of the retailer, *Wilson* 7339–7342.

See also *Somerset House.*

CHEESE:

1. *Filled, or Imitation Cheese from America.*
2. *Margarine Cheese and other kinds.*

1. *Filled, or Imitation Cheese from America:*

Importation of large quantities of oleine cheese from the United States as pure cheese, under the guarantee system; view of witness that this cheese does not compete with pure milk cheese, nor does it injure the legitimate trade of the farmer, the price being very low, *Clement* 2842–2863.

Prejudicial effect of the importation of imitation or filled cheese on the home trade; statement hereon that the largest quantities of spurious cheese come from America, and that smaller supplies come from Hamburg and Holland, while there is a considerable production in Scotland, *Webb* 3855, 3856. 3909–3916——Explanation that filled cheese is made from skimmed milk, and that in order to disguise the poverty of the article there is an addition of lard, also oil, or other foreign fat; belief that the result is not a wholesome or suitable article of food, *ib.* 3857 *et seq.*; 3917 *et seq*——Opinion that the filled cheese is kept on the market, and its production is increased by unscrupulous persons, whose large primary profit is sufficient temptation to risk the ultimate losses that generally accrue at the end of the transaction, *ib.* 3860–3864. 3935–3938.

Action taken against the production of imitation cheese in America, its manufacture and sale being prohibited in Canada, New York State, Pennsylvania, and Massachusetts; statement hereon that the principal supplies come from Wisconsin and Illinois, but that prohibitory legislative steps have been taken in the former State, and are being taken in the latter, *Webb* 3864–3866. 3885–3895——Contention that the Customs have no right to enter imitation cheese as cheese; particulars of the correspondence that has taken place between the Home and Foreign Produce Exchange Company and the Customs, Board of Trade, and Local Government Board on the subject; the result being unsatisfactory, *ib.* 3866–3870. 3903, 3904. 3949–3951.

Recommendation that as filled cheese is a fraudulent imitation of full cream cheese its manufacture, importations, and sale should be entirely prohibited, the consignments wherever found being confiscated; desirability of there being an appeal in case of an error on the part of the analyst, *Webb* 3870–3877. 3883 *et seq.* 3898–3908. 3920–3929.

Evidence to the effect that large quantities of adulterated cheese are shipped from Chicago to the North of England; practice of the shippers in some cases to invoice the article as pure cheese in order to get a better price, *Rowson* 3955–3960. 3999–4008——Opinion that the adulterated cheese coming from America is unwholesome, very liable to decomposition, and a fraudulent imitation for a good article of food, *ib.* 3961 *et. seq.* ——Statement that a conviction was obtained in each of the eleven prosecutions instituted in Liverpool during the last twelve months in connection with adulterated cheese, the imitation cheese being in most cases condemned, *ib.* 3965–3975 ——Manufacture and sale of the spurious cheese recently prohibited in Winconsin, *ib.* 3982, 3983.

Desire of the Liverpool Provision Association that the production and sale of filled cheese should be prohibited in this country, the manufacture of this article being detrimental not only to the cheese trade but to the public interest, *Rowson* 3984–3988. 4009–4012——Belief that the fund raised in Liverpool for the purpose of prosecuting people dealing in adulterated cheese has had a great influence in protecting the trade and the public; recommendation that the example should be followed in other localities if some Government Department does not take the matter up, *ib.* 3993–3998. 4013–4025.

General agreement of witness with the evidence given by Mr. Webb and Mr. Rowson in regard to filled cheese, *Trengrouse* 4199–4204 ——Decided opinion that the traffic in filled cheese defrauds the public of a more nutritious article, and injures the agricultural trade generally, *ib.* 4205–4209——Refusal of witness to accept consignments of filled

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CHEESE—continued.

1. *Filled, or Imitation Cheese from America.*—continued.

or adulterated cheese, although offers of a liberal commission reach him from Illinois, *Trengrouse* 4210-4213.

View of witness that the manufacture of filled cheese in this country ought to be suppressed, on the ground that it is a fraud; necessity of there being a right of appeal against the condemnation of alleged imitation cheese, in order to guard against mistakes, *Trengrouse* 4214-4222. 4241, 4242. 4287-4291——Statement that the leading London importers are all strongly opposed to the introduction of spurious cheese into the trade, *ib.* 4223, 4224——Opinion that if the Legislature does not see its way to stop the whole of the manufacture and importation of filled cheese, there should be heavy penalties on those who sell it, with imprisonment after the second or third conviction, *ib.* 4225-4229. 4289-4291.

Belief that the public are often imposed upon by the cheese coming from America; proposal that in order to prevent this imposition foreign governments should be made responsible for the quality of the cheese shipped from their ports, *Osborne* 4615 *et seq.* 4647-4674. 4680, 4681——No doubt that the fatty matter put into American filled cheese is principally lard; arrival of considerable quantities of this cheese in Liverpool, whence a good deal of it is sent on to the North of England, *ib.* 4627-4634. 4647 *et seq.*

Increase of the sale of filled cheese in Liverpool; desirability of such cheese being sold under some distinctive name, such as "oleine," so as to disassociate it from the genuine article, *Wilson* 7313-7328. 7403-7405.

2. *Margarine Cheese and other kinds:*

Statement that cheese making in New Zealand is increasing even more rapidly than butter making, *Lovell* 279-287——Evidence to the effect that the restrictions of the Danish law have killed both the home and export trade in margarine cheese, which amounted to a fraud, *Faber* 1729-1743. 1866-1869.

Non-objection to the sale of skimmed cheese, as distinguished from filled cheese, it being a perfectly honest, although poor article, *Webb* 3878-3882. 3924-3929. 3939-3948——View of witness that a slight excess of water in cheese cannot be held to be adulteration, and that the magistrate would be justified in convicting in such a case, *ib.* 4026-4029.

Prices of the various kinds of cheese in Glasgow market, the highest being the home cheese at 56*s.* per hundredweight, the lowest, the Gonda cheese, at 15*s.* less, and the filled cheese at 24*s.* to 26*s.*; home cheese much more in demand than foreign cheese in Scottish markets, *Osborne* 4573-4586. 4603. 4691-4694——Analysis of the Dunlop, the oleine, and the Gorgonzola cheese, showing that the home made Dunlop cheese is the purest, *ib.* 4596-4603——Statement that the Dunragit skim-milk cheese is never sold at Glasgow, either by wholesale or retail people, as genuine full milk cheese; opinion that the purchaser is amply protected by the lowness of the price and the ticket on the cheese, *ib.* 4604-4614.

Legal question at Glasgow as to whether a man can be convicted under the Margarine Act for selling margarine cheese as cheese; view of witness that any wholesome ingredient should be allowed to be put into cheese, *Osborne* 4635-4646——Grounds for the opinion that the producers of cheese and butter in this country would not be benefited if the sale of margarine and skim milk were stopped, *ib.* 4664 *et seq*——Advisability of there being some limit below which the fat should not be deficient in cheese, *A. W. Stokes* 7947-7950.

Chicory. Decrease in the importation of chicory during the last four years 18 per cent., and in coffee 22 per cent.; explanation, however, that these figures cannot be taken as a very sure guide, as the amount of the home production of chicory is unknown, *Rogers* 5758-5760. *See* also *COFFEE.*

Chocolate. Evidence to the effect that chocolate is pure cocoa combined with sugar, and formed into cakes, the simple forms of chocolate being almost identical, chemically, with cocoa; large and growing trade in chocolate confectionery, *Fry* 4766-4768. 4791-4794.

Cinnamon. Adulteration of cinnamon with ground walnut shells, *Rogers*, 5887.

Clement, Thomas. (Analysis of his Evidence).—Witness is a partner in the firm of Andrew Clement and Son, provision merchants and colonial produce importers, of Glasgow, Manchester and London; appears on behalf of the Glasgow Wholesale Provision Trade Association, 2796 *et seq.*——Witness' firm are distributing agents for the Canadian Government Dairy Department and the United Creameries (Limited) Company, and have much greater interest in the sale of pure dairy produce than in substitutes for it, 2797-2806. 2842.

Approval

Report, 1895—*continued.*

Clement, Thomas. (Analysis of his Evidence)—*continued.*

Approval of the sale of margarine and mixtures when sold upon their merits, as they are valuable articles of food for the poor, but not when sold fraudulently; large use of margarine and mixtures for cooking, and by bakers and confectioners, 2807–2829. 2914–2934. 2945–2957. 3003–3006——Belief that only a very small proportion of margarine is now sold fraudulently in this country, 2815. 2974–2979.

Opinion that there would be very little fraud if the Margarine Act were enforced and the inspection better; conclusion that there is no necessity for the inspectors to visit hotels, unless it be made compulsory for hotel-keepers to give their customers butter, 2816–2821. 2895–2900. 2991–2996——Desirability of all margarine and mixtures being packed in one distinct kind of package, such as square or oblong boxes, uniform in appearance, and being sold by retailers in a distinctly coloured wrapper, 2816–2818. 3002.

Enormous and increasing importation into this country of mixtures containing 15 to 25 per cent. of margarine and 20 to 25 per cent. of water, under a guarantee of being pure butter; failure of prosecutions for selling these mixtures, as the retailers are protected by the importers' guarantees, 2830 *et seq.*; 2901–2910. 2970–2973. 2984–2987——Recommendation that samples of butter be taken at all ports of entry and heavy fines imposed on all importers of adulterated butter, it being made compulsory for the wholesale man who gives the guarantee to be prosecuted; approval of imprisonment or a very heavy fine on the third conviction, 2834–2841. 2864, 2865. 2958 *et seq.*; 2974–2983.

Importation of large quantities of oleine cheese from the United States as pure cheese, under the guarantee system; view of witness that this cheese does not compete with pure milk cheese, nor does it injure the legitimate trade of the farmer, the price being very low, 2843–2863——Attention drawn to the enormous quantities of cream and milk now being imported without any precautions being taken to see that they are free from infection and impurities, 2866. 2876–2880.

Suggestion that the use of hot brine in butter-making should be prohibited, 2871. 2988–2990——Opinion that there should not be over 20 per cent. of moisture in butter, and even that only under exceptional circumstances, 2872–2875.

Approval of margarine being coloured to make it attractive to the consumer, 2881–2884. 2925–2944. 2963–2969——Statement that if the making of margarine and butter in the same factory be prohibited the home makers of margarine will be very severely handicapped, 2893, 2894. 2911–2913. 2997–3002.

Cocoa:

1. *Explanations on the part of Messrs. Fry, Messrs. Epps, and Messrs. Van Houten respecting Consumption, Manufacture, Quality, &c.*
2. *Prosecutions and Regulations as regards Sales of Mixtures.*

1. *Explanations on the part of Messrs. Fry, Messrs. Epps, and Messrs. Van Houten respecting Consumption, Manufacture, Quality, &c:*

Large increase in the consumption of cocoa in its manufactured form during the last twenty years, *Fry* 4697–4702——Detailed information respecting the process of cocoa manufacture, the ordinary cocoa of commerce consisting of pure cocoa, to which sugar and arrowroot, or other farinaceous substance, have been added; view of witness that these additions do not constitute adulteration, but are for the public convenience, *ib.* 4603 *et seq.*; 4795–4797. 4830 *et seq.*——Absence of any complaints that the public do not receive a pure article; explanation that the cocoa mixed with sugar and arrowroot is sold as a mixture, and that there is no free alkali in it, *ib.* 4726–4730. 4859–4864.

Supposition that the great differences that sometimes exist between the analyses of the same cocoa must be due to want of accuracy on the part of the local analysts; objection to the analyst's habit of calling arrowroot "starch," *Fry* 4752–4755——Information respecting cocoa nibs, cocoa essence, cocoatina, and cocoa prepared by the Dutch process, the purest ordinary forms of cocoa being "pure concentrated extract" and "cocoa extract"; opinion that there is no justification for alleging that the Dutch method of treatment is injurious to health, *ib.* 4772–4779. 4820–4826. 4830–4844——Explanation that the oil is extracted from cocoa by hydraulic pressure; belief that the practice of extracting the oil, which is a comparatively modern innovation, was introduced by the French for the purpose of making cocoa butter, *ib.* 4780–4785.

Opinion that cocoa is more nutritious than tea or coffee, in addition to being a pleasant and exhilarating beverage, *Epps* 4871, 4872——Difficulty of making cocoa serviceable as a food overcome by the Mexicans 300 years ago by adding sugar and arrowroot; another method, introduced twenty or thirty years ago, consisting in removing

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Cocoa—continued.

1. *Explanations on the part of Messrs. Fry, Messrs. Epps, &c.*—continued.

moving as much as possible of the fat; opinion that the treatment of cocoa chemically with potash, soda, or ammonia, is injurious to the human system, *Epps* 4873–4885. 4978–4983.

Statement that the only pure cocoa is the cocoa nibs, whole or ground, and that all other preparations of cocoa should be described as mixtures; possibility of some "pure cocoa" being unwholesome and not nutritious, *Epps* 4882–4884. 4950–4955——Great increase in the importation of foreign cocoa, chiefly from Holland; belief that the Dutch cocoas are prepared by a deleterious process, *ib.* 4885–4890. 4984–4996——Desirability of retaining the whole body of cocoa oil in the cocoa sold to the public, it being the constituent of the cocoa bean possessing the highest food value; sale by auction of tons of cocoa butter every week, *ib.* 4891–4897.

Evidence in support of the opinion that cocoa prepared with sugar and arrowroot is very nutritious; necessity of adding as much sugar and arrowroot as will readily combine with the rich cocoa and furnish a smooth and agreeable drink, *Epps* 4898–4905——Information as to the various kinds of cocoa and chocolate manufactured by witness' firm, one quality only of each article being made and the recipe never altered, *ib.* 4917–4941. 4949. 4967–4970.

Importation of about 2,500,000 lbs. of manufactured cocoa into this country annually, the bulk of it coming from Holland; statement that more than half of the total quantity of cocoa and chocolate imported comes in the form of Van Houten's cocoa, *Leckie* 5334 *et seq.*——Explanation that the late Mr. Van Houten invented a process whereby cocoa was made more soluble without any addition of arrowroot and sugar, and that the firm has used this process for about sixty-seven years, *ib.* 5338–5346. 5438–5444——The exclusive right for ten years to manufacture pure cocoa powder given by the Dutch Government to Mr. Van Houten in 1828; *ib.* 5342–5346.

Opinion that the extraction of some of the fat increases the solubility of the cocoa and is an improvement from the dietetic point of view; absolute necessity of manufacturing cocoa in some way before it can be consumed with advantage, *Leckie* 5347 *et seq.*——Contention that the cocoa powder, as generally sold, possesses the nutritive qualities of the cocoa bean, and that the public are not deceived when purchasing it: no doubt that cocoa powder manufactured by special processes in order to improve the solubility contains the nutritive qualities in a larger proportion than the natural bean itself, *ib.* 5356 *et seq.*; 5422 5437.

Denial of the statement that the Dutch process of making cocoa powder is objectionable and results in the formation of a soap; letter hereon from Dr. Ringer handed in to the effect that a certain passage quoted from his book had no reference to Van Houten's cocoa, *Leckie* 5383 *et seq.*; 5451–5454——Belief that there is practically no injurious adulteration of cocoa in this country, *ib.* 5448–5450——Increased consumption of cocoa on the Continent during the last twenty years, *ib.* 5455.

2. *Prosecutions and Regulations as regards Sales of Mixtures:*

Assertion that there have been no successful prosecutions for the sale of witness' mixtures of cocoa, arrowroot, and sugar, except in those cases where the tradesman has omitted to exhibit the label supplied with the cocoa; particulars of a case in which the magistrate convicted and witness' firm obtained a decision in their favour in the Court of Queen's Bench, *Fry* 4786, 4787. 4798 *et seq.*; 4816–4819——Doubt as to the practical value of specifying on the labels on the cocoa the exact proportions of the various ingredients in the mixture or the process of manufacture, as the different qualities of cocoa are well known to the purchasers, and the public are not misled, *ib.* 4743–4751. 4845–4858.

Opinion that when the label supplied with the cocoa has been exhibited the burden of proving that the mixture is injurious to health ought to rest with the prosecution; warranty given with pure cocoa if required by the customers, *Fry* 4756–4761——Willingness of witness' firm to take as far as possible the whole responsibility for the quality of the cocoa they make, it being unjust to the retailer to make him bear the brunt of a prosecution with regard to an article of which he has no knowledge; non-objection to its being compulsory for the inspector to take a packet with the manufacturer's label on it, *ib.* 4762–4764. 4786–4810. 4827–4829. 4865–4868.

Approval of the proposal that there should be a statutory form of warranty, *Fry* 4765——Contention that although the Act is complied with for safety, it is not absolutely necessary that the labels should contain a declaration that the article is a mixture, as the original cocoa was a mixture, the pure form having only been introduced about thirty years ago, *ib.* 4769 *et seq.*; 4811–4815.

Approval of the ingredients used in the preparation of the cocoa and the description of manufacture being declared on the label; disinclination of witness to state the actual

proportions

Cocoa—continued.

2. *Prosecutions and Regulations as regards Sales of Mixtures*—continued.

proportions of the ingredients on the label, although not objecting to a certain standard being fixed for the guidance of the public, *Epps* 4906 *et seq.*; 4942–4943. 4962–4966——Statement that during the past twenty years there have only been two convictions against witness' cocoa, and that these were by country justices and were quashed on appeal; non-objection to the present Act, *ib.* 4943–4948. 4956–4961. 4971–4977.

Disapproval of the suggestion that admixtures of cocoa with a small percentage of sugar and farinaceous matter should be sold simply as cocoa, with the proportion of the ingredients declared on the label, *Leckie* 5339——Objection to the proposal to use the words "cocaine," "chocolate powder," &c., in the case of admixture of more than a certain percentage of foreign ingredients; sufficiency of the present Act so far as the definitions of cocoa and cocoa mixtures are concerned, *ib.* 5360–5363. 5430–5437. 5445 *et seq.*

Statement that no actions have ever been brought against witness as the representative of Van Houten, nor against the retailers of Van Houten's cocoa in England, Germany, or Belgium; particulars of an unsuccessful prosecution in Paris, *Leckie* 5365–5367. 5395–5421——Grounds for the opinion that the suggestion that it should be an offence to add alkali to cocoa, whether such addition be declared or not, is unnecessary and mischievous; assertion that all manufactured cocoa powder, except that treated with starch and sugar, contains an increased amount of mineral matter, *ib.* 5368 *et seq.*

Conclusion that the admixture of starch and sugar with cocoa is not legitimate, *Sanderson* 5630–5634——Opinion that the admixture of starch and sugar with cocoa cannot be regarded as adulteration, cocoa being a manufactured article; recommendation that the percentages of the ingredients should be declared on the labels, and that when the added substances rise above a certain percentage the mixture should be called by some name other than cocoa, *Rogers* 5782 *et seq.*——Suggestion that if alkalis are being added to cocoa it is a new departure that should be prohibited, *ib.* 6014–6025.

Sale of loose cocoa at a price, namely, 4*d.* per lb., at which pure cocoa cannot be expected; contention that the manufacturers' labels in the case of packet cocoa ought to be sufficient to protect the shopkeeper from prosecution for selling cocoa with foreign matter in it, *Jennings* 6872–6876——Explanation that the Marylebone Vestry do not prosecute now in cases of cocoa mixed with starch and sugar, because there is no real offence committed, purchasers when asking for cocoa meaning mixed cocoa and not the pure article, *Blyth* 7720–7722.

Coffee:

1. *As to the Consumption of Coffee or mixtures of Coffee and Chicory, and as to the extent to which Chicory is used as an Admixture or Adulteration.*

2. *As to the Precautions and Penalties desirable for preventing Adulteration or the excessive use of Chicory.*

1. *As to the Consumption of Coffee or mixtures of Coffee and Chicory, and as to the extent to which Chicory is used as an Admixture or Adulteration.*

Evidence to the effect that the sale of coffee has not increased so much as might have been expected, owing to the abnormally low price of tea; belief that if the sale of mixtures of coffee and chicory be interfered with, the trade will be still further diminished, *Ivey* 5479 *et seq.*; 5520, 5521. 5535, 5536——Certainty that the term "French coffee" is always understood by the public to mean a mixture of coffee and chicory, the coffee being roasted in the French style, *ib.* 5528–5534——Opinion that the public are not defrauded by the sale of admixtures of coffee and chicory at present; belief, on the contrary, that the grocer makes very little profit out of the transactions, *ib.* 5551–5558——Doubt as to any other ingredient than chicory being mixed with coffee as an adulterant in this country; manufacture in America of imitation coffee-berries, *ib.* 5559–5574.

Evidence in support of the contention that there is a very large adulteration of coffee going on at the present time, no improvement having taken place since 1886; undoubted fact that the unfair trading is encouraged by the present state of the law, *Sanderson* 5582 *et seq.*; 5623 *et seq.*; 5680–5686. 5709. 5713. 5743, 5744——Experience of witness that real French coffee contains a large amount of chicory, *ib.* 5635–5639——View of the coffee growers abroad that the sale of genuine coffee is interfered with by the extensive use of chicory, and that the admixture of chicory ought to be checked or prevented; vitiation of the public taste by the undue proportion of chicory put into the mixtures for the sake of profit, *ib.* 5648 *et seq.*; 5690–5708.

Decided opinion that the normal rate of increase in the consumption of coffee has been checked by the unlimited use or abuse of chicory; decline in the consumption of

Report, 1895—*continued.*

COFFEE—continued.

1. *As to the Consumption of Coffee or mixtures of Coffee, &c.*—continued.

coffee from ·99 of a pound per head of the population in 1879 to ·69 in 1893; *Rogers* 5748 *et seq.*——View of witness that if the trade were legitimately conducted and if people could have the stimulus they expect from coffee, the consumption would have increased with the population; reference to the present normal trade in coffee as really a trade in chicory, *ib.* 5748 *et seq.*; 5771–5773.

No doubt that admixtures of coffee and chicory have increased in consequence of the rise in the price of coffee, which is due to the growing demand for coffee on the Continent, where chicory is not so much used, *Rogers* 5761, 5762——Practice in France to buy the freshly-roasted berries, grind them, and make a decoction of them, which is kept for a certain time, the *café au lait* being made by adding a little of this extract of coffee to hot milk, *ib.* 5762.

Opinion that what is sold in this country as French coffee is neither French nor coffee, some of the samples containing as much as 80 or 90 per cent. of chicory; conclusion that there ought to be some legal limit to the amount of chicory in mixtures, *Rogers* 5762, 5763. 5792–5797——Sale by witness' firm of three qualities of mixtures of coffee and chicory, containing 50, 75, and 80 per cent. of chicory, respectively, declared on the tins; no doubt that in many mixtures sold, the chicory goes up to 90 per cent., *ib.* 5976–5980.

Statement to the effect that when coffee and chicory had to be sold separately the mixture was made by the consumer after the goodness of the coffee was lost and the chicory had absorbed as much moisture as it could, the result being a flat, unpalatable drink; approval of the trade having the right to mix coffee and chicory, *Sir W. Pink* 6634-6636——Experience of witness, both with his wholesale and retail customers, that a mixture of coffee and chicory is preferred by the public to pure coffee, *Goode* 6676-6680. 6698, 6699——Non-increase in the sale of coffee of late years due to the tremendous increase in the consumption of tea, and its relatively lower price, *ib.* 6687-6697. 6784-6706.

2. *As to the Precautions and Penalties desirable for preventing Adulteration or the excessive use of Chicory.*

Opinion that it should be sufficient defence for the vendor of mixtures of coffee and chicory if the packets be labelled "coffee and chicory" when the coffee predominates, and "chicory and coffee" when the chicory is in excess, the exact proportions not being declared on the labels, *Ivey* 5460, 5461. 5514 *et seq.*——Impossibility at present of arriving by analysis at the exact proportion of chicory that there may be in a mixture; injustice, therefore, of any attempt to compel the vendor to specify the proportion of the ingredients on the label, *ib.* 5461–5479. 5516 *et seq.*; 5537–5550.

General satisfaction with the law as it stands at present in regard to mixtures of coffee and chicory, there being no complaints from the public, *Ivey* 5504–5513——Contention that there is so much variation in the price and quality of coffee and chicory that the ascertainment of the proportions of these ingredients gives no guarantee of the actual nature of the mixture, *ib.* 5522-5527. 5537 *et seq.*

Explanation that the London Chamber of Commerce is not unanimous upon the question of the adulteration of coffee, because of the large trade interest in mixtures having made itself felt; disagreement of witness with the resolution of the Coffee Trade Section against the compulsory declaration of the proportions of coffee and chicory in a mixture, *Sanderson* 5589 *et seq.*; 5737–5740——Belief that if the declaration of proportions were compulsory wholesale mixers would adopt better methods of manufacture to enable them to do it accurately, *ib.* 5600–5602. 5742——Doubt as to there being any difficulty of analysis as regards coffee and chicory; experience of witness that analysts can fix within reasonable limits the quantities of the ingredients in a mixture, *ib.* 5603–5606. 5664 *et seq.*; 5741, 5742.

Refusal of the London Chamber to adopt the resolution of the Coffee Trade Section, a resolution being passed to the effect that the law as to admixtures and their declaration to the purchaser requires to be greatly strengthened, *Sanderson* 5607–5610——Unsatisfactory state of the present law, manufacturers having a license to mix as much chicory as they like with coffee so long as they put a notice on the label to the effect that the article is sold as a mixture; desirability of mixtures being called "Coffee Mixture," "Chicorine," &c., and the proportions being declared on the label, *ib.* 5611–5622. 5661–5663. 5672–5679. 5714 *et seq.*——Recommendation that coffee and chicory should be sold separately, leaving the public to mix them together, *ib.* 5635–5639.

Conclusion that the practice of witness' firm to declare the percentage of chicory in their mixtures is detrimental to their business, as other firms do not act likewise; contention that the honest trader and the growers, as well as the public, should be protected by the proportions of coffee and chicory being specified on the labels, *Rogers* 5763 *et seq.*; 5867 *et seq.*——Suggestion that coffee with not more than 25 or 33 per cent. of chicory should be allowed to be sold as coffee, with the proportions specified on the

Report, 1895—*continued.*

COFFEE—continued.

2. *As to the Precautions and Penalties desirable for preventing, &c.*—continued.

the labels, and that mixtures containing a greater quantity of chicory should be called "coffeine," with the proportions declared, or as "chicorine," without any declaration, *Rogers* 5774–5778. 5871—Doubt as to there being any insuperable analytical difficulties in specifying the proportions of coffee and chicory in a mixture; desirability of a latitude of 5 per cent. being allowed, and of an appeal to some central authority for the full protection of the trade, *ib.* 5779–5781. 5879–5881.

Opinion that the higher class mixtures should be labelled "coffee and chicory," and the lower class mixtures "chicory and coffee"; disapproval of the proportions of the coffee and chicory being declared on the label, as such a declaration would be no criterion as to the nature of the article, *Goode* 6680–6686. 6700 *et seq.*—General opinion of the retail grocery trade that if an Act were passed making it compulsory to declare the proportions of coffee and chicory on the label the sale of coffee would be decreased, *ib.* 6700–6706.

Grounds for the opinion that the sale of mixtures of coffee and chicory should not be interfered with; anticipation that any law compelling the percentage of coffee and chicory in each mixture to be stated on the label would not work, *Williams* 6760–6788. 6840, 6841—Opinion that if a customer wishes to buy pure coffee he should ask for it, and that he cannot expect to get genuine coffee at 10*d.* per lb.; statement that witness' mixtures are duly labelled as such, *Jennings* 6851–6861.

Recommendation that if the mixture contains less than 50 per cent. of chicory it should be labelled "coffee and chicory," and if more than that percentage of chicory "chicory and coffee," *Jennings* 6861–6863—Difficulty in accurately maintaining the proportion of coffee and chicory in a mixture, *ib.* 6864–6869—Opinion that the label on the top of a tin of French coffee stating that it is a mixture of chicory and coffee ought to protect the tradesmen and warn the customer, *ib.* 6870, 6871.

Conclusion as to the adequacy of the present law as regards coffee and chicory; impracticability of declaring the percentage of chicory on the package, *Dunlop* 7006–7009—Statement that an analysis can be conducted with sufficient accuracy to allow of the proportions of coffee and chicory in a mixture being ascertained to within 1 or 2 per cent., *Blyth* 7723, 7724.

Colouring. Opinion that the practice of colouring articles of food need not be stopped but should be brought under Parliamentary control, as in France and Germany, *Rogers* 5876–5878.—*See* also *Aniline Dyes.* *Margarine*, 6. *Sugar.*

Cork Butter. See *Butter.*

Costs. See *Prosecutions.*

Cream. Attention drawn to the enormous quantities of cream and milk now being imported without any precautions being taken to see that they are free from infection and impurities, *Clement* 2866. 2876–2880—Suggestion that the standard for cream should be fixed as so much per cent. of fat, *Blyth* 7733–7735.

Customs Department. Inability of witness to see why the responsibility of looking out for and stopping adulterated goods should not be thrown upon the Customs Department, *Webb* 3896 *et seq.*—Belief that if butter were inspected at the port of entry and confiscated if not pure, a very good impression would be made upon the foreigner, *Jennings* 6900-6904—General agreement with the recommendation that all imported articles should be subject to examination and analysis by the local Custom House authorities, *Robinson* 7205–7209.

Contention that all imported goods should be examined at the port of entry, and stopped if found to be adulterated or injurious to health; injustice on the part of the authorities in allowing such goods to pass, and then fining tradesmen for selling them, *Wilson* 7290–7296—Advisability of all imported food and drugs being subjected to examination and analysis at the port of entry, *Egerton* 7555. 7600, 7601—Insistence of witness on the principle that all food coming from abroad should be analysed at the port of entry, *A. W. Stokes* 7976–7988.

See also *Margarine*, 8.

D.

Dairy Trade and Can Protection Society. Suggestions adopted 2nd August 1894 by this society for the amendment of the Sale of Food and Drugs Acts of 1875 and 1879, *App.* 369, 370.

Report, 1895—*continued.*

Dale, Alderman Henry. (Analysis of his Evidence.)—Witness represents the Cork Butter Exporters' Association, and is Managing Director of the firm of Richard Clear and Company, Limited, Cork; has had thirty-five years' experience of the Irish butter trade, 2509–2518.

Evidence to the effect that witness' firm receives the butter direct from the farmers, and salts it with dry salt and "preservitas" to preserve it, packing it in different packages to suit various markets, 2518–2537. 2629-2635. 2698-2729——Belief that butter is adulterated to a large extent at the present time, one of the adulterants being water; approval of the punishment of persons fraudulently adding water to butter, 2538-2541.

Inclination of witness to regard a percentage of over twenty or twenty-one of water in butter as a strong indication of fraud, 2541——Numerous instances of the variation in the percentage of water in the butter of honest makers, showing the difficulty there would be in fixing an absolute standard as to water at the present time, 2542 *et seq.*; 2707-2710.

Evidence in support of the contention that Irish butter does not compare unfavourably with English butter as regards moisture, 2542 *et seq.*——Experience of witness that there is a smaller limit of variation in the quantity of water in factory butter than in other butter, 2548-2551.

Belief that it is more difficult to get the water out of butter in hot weather than at any other time, 2553-2556. 2707-2710——Confidence of witness in the accuracy of the testing apparatus at Cork butter market, 2557-2560——No doubt that an experienced expert can form a very good judgment as to whether water has been fraudulently added to butter; insufficiency, however, of the expert's opinion to secure a conviction, 2561, 2562.

Non-objection to the sale of margarine as an article of food; decided objection, however, to its being fraudulently passed off as butter, to the injury of the agricultural community and the public, 2563-2569——Inadequacy of the means taken to detect the margarine fraud; prohibitory recommendation on the subject, 2570–2573. 2648–2658. 2674–2681. 2736–2738.

Approval of margarine being put up in packages of a special shape, indelibly branded; uselessness of labels that can be easily removed, 2574–2577——Desirability of the licensing of all manufacturers and dealers in margarine, and of the exhibition of a sign indicating that they are licensed, 2577–2581.

Opinion that the punishment for adulteration of butter ought after the third or fourth conviction to be imprisonment, 2582–2585. 2665–2673. 2729-2735——Necessity of enlarged powers being given to officials and inspectors, in order that margarine and butter factories, warehouses, shops, hotels, &c., may be constantly inspected; advisability of prohibiting the manufacture of margarine and butter in the same factory, 2586–2597. 2640–2642.

Reasons for the proposal that potato starch should be mixed with all margarine, in order that margarine may be detected if mixed with butter, 2598–2615. 2643–2647. 2659 *et seq.*; 2692–2698——Grounds for the conclusion that the colouring of margarine to look like butter should, under certain conditions, be prohibited, 2604–2628. 2662 *et seq.*; 2682–2689——Recommendation that the word "margarine" on the wrappers used in the retail sale of margarine should be in conspicuous black letters on a white ground, 2636–2639. 2690, 2691.

Definitions of Goods. Desirability of there being some reliable central authority to give definitions of goods from time to time, varying with the commercial requirements, *Kilvert* 5184-5187—— Advisability of articles of food and drink, and of all ingredients to be allowed in their preparation or manufacture, being distinctly defined in any future amendment of the law, *Rogers* 5862–5864——Suggestions as to the declaration of the constituents of an article and their percentages on the wrapper; absence of necessity of any declaration when the article is sold as "chicorine," "mustardine," &c., *ib.* 5958, 5987-5991. 6007–6013. 6108–6118. 6145–6151. 6203–6209——Necessity of a little closer definition than is contained in the present Act of those food products that are included in the Pharmacopœia, such as brandy, mustard, &c., *Umney* 6432–6441.

Denmark. Return showing the various public grants in aid of Danish dairy industry, *App.* 375.

Paper submitted by Mr. Faber explanatory of the provisions of the Danish Margarine Law of 1st April 1891; plans and account forms respecting the manufacture and sale of margarine and oleo-margarine, *App.* 381-386.

Précis of the law of Denmark on the subject of adulteration, *App.* 393.

See also *Butter*, 5. *Margarine*, 9.

Draft Report. Adoption by the Committee, without amendment, of the Draft Report as proposed by the Chairman, *Rep.* ix.

Report, 1895—*continued.*

Drugs. Illustration of the disadvantage at which public analysts are sometimes placed by the absence of standards of purity; proposal that the "British Pharmacopœia" should be revised and made the standard by statute law, other pharmacopœias being also relied upon when necessary, *Umney* 6379-6391. 6428-6431. 6446-6450——Difficulty of the public analysts in condemning or approving preparations, principally employed as household remedies, where the formulæ by which they were compounded have been superseded by slightly modified formulæ, *ib.* 6392-6405——Desirability of drugs being warranted by a label, the warranty to be for at least six months when the drug is not decomposable, and for not more than one month when it is decomposable, *ib.* 6406-6410. 6462, 6463.

Instances of laxity in carrying out the Act in wholesale trading, the dealers having but little hesitation in offering a spurious drug for sale under the name of that which it most nearly resembles; statement that spurious drugs are chiefly bought by foreigners, *Umney* 6411-6416. 6464-6481——View of witness, which is also that of the trade, that there should be a Court of Appeal in connection with drugs; suggestion as to the constitution of the Court, *ib.* 6442-6445. 6467. 6452.

Opinion that there is not any material or systematic adulteration of drugs, and that the drug trade of England is in a fairly satisfactory condition; no doubt that slight impurities and differences in strength may exist, arising from the processes of manufacture, collection, storage, &c., *Preston* 6483-6485——Approval of a Board of Reference to fix a standard, and to decide whether a fair margin of deviation from it has been exceeded, *ib.* 6495, 6496——Advisability, in view of the fact that a minute impurity renders a trader liable to prosecution, of drugs being separated from foods and placed under a sub-section of their own, *ib.* 6497-6506.

Experience of witness that there is not much adulteration of drugs, nearly all of them being fairly up to the standard of the pharmacopœia, *Blyth* 7705-7708.

See also *Inspection.*

Dunlop, Adam Morton. (Analysis of his Evidence.)—Witness has been in business as a retail grocer and provision merchant in Glasgow for twenty-seven years; is president of the Glasgow South Eastern Grocers and Provision Dealers' Association, 6951-6956.

Opinion that the Adulteration Acts are much more fairly administered in Scotland than in England, the local authorities, while doing all they can to prevent fraud, refraining from harassing the retail trade as they do in England, 6957, 6958——Contention that all prosecutions in connection with margarine should be taken under the Margarine Act, 6959-6962.

Recommendation that it should be left to the discretion of the magistrate as to whether a grocer fraudently selling margarine as butter should be punished by a fine or imprisonment, 6963-6968——Concurrence in the suggestion that margarine should always be sent out in a special kind of butt, 6969-6976.

Unanimous feeling of both the wholesale and retail trade in Glasgow that the invoice should be the warranty; particulars of cases in which retail dealers have been fined, although they sold the articles in the same condition as they received them, 6977-6991——Illustration of the hardship to which shopkeepers are exposed in being prosecuted and, when found "not guilty," being required to pay their own costs, 6992-7005.

Conclusion as to the adequacy of the present law as regards coffee and chicory; impracticability of declaring the percentage of chicory on the package, 7006-7009——Inclination of witness to allow margarine to be coloured; opinion that colouring margarine to look like butter would not induce fraud, 7010-7026.

Dunn, Christopher J. (Analysis of his Evidence).—Witness is Chairman of the Cork Butter Market Trustees and a member of the Munster Dairy and Agricultural School, 2275, 2276. 2432.

Grounds for the opinion that the law as it stands and as it is administered is not a sufficient protection to the manufacturer, retailer, or consumer of pure butter, 2277. 2357. *et seq.*—Belief that a more vigorous administration of the law together with a considerable increase in the amount of the fines is required; recommendation hereon, 2278-2284. 2339-2343. 2357 *et seq.*

Resolution recently passed by the Cork Butter Market Trustees against the colouring of margarine, so that it shall not simulate real butter, 2285-2288. 2344-2353. 2506-2508——Further resolution passed by the trustees that a Government inspector should be empowered to inspect all premises where margarine is manufactured or held in stock, and to prosecute where palpable fraud is discovered, 2288, 2289.

Importance of the Local Government Board being invested with stronger power to compel local authorities to do their duty as regards the adulteration of butter; doubt as to the public being good judges of the article, 2290-2299. 2350-2352. 2364-2371. 2436 *et seq.*; 2504, 2505——Suggestions on the subject of dealers in margarine being licensed, 2296-2299. 2349, 2350. 2361-2363.

Report, 1895—*continued.*

Dunn, Christopher, J. (Analysis of his Evidence)—*continued.*

Grounds for the opinion that the fixing of a standard of water in butter at sixteen per cent. would sometimes cause innocent people to be punished, twenty or twenty-one being a fair percentage, 2300-2302. 2355——Feeling of witness that at present there is not sufficient evidence to enable a satisfactory standard of water to be fixed, 2303, 2304. 2354.

Detailed explanation as to the system of testing butter in Cork Butter Market; practice of the trustees to prosecute whenever there is more than twenty-one per cent. of water in the butter brought to market, forty-one convictions having already been obtained, 2305 *et seq.*; 2372 *et seq.*; 2451-2466. 2485-2503——Ability of the inspectors to distinguish in nearly all cases between natural water in butter, and water that has been fraudulently added; doubt as to the chemical analysts being able to certify whether water has been fraudulently added or not, 2314-2322. 2445-2447.

Agreement with the statement that water in butter varies considerably with climatic conditions, 2323-2326. 2356. 2459-2470——Doubt whether Irish butter contains any more moisture than other butter on account of the general humidity of the climate; absence of necessity for a separate water standard for Irish butter, although there might be different standards for fresh and salt butter, 2323-2326. 2372 *et seq.*; 2448-2450. 2481, 2482.

Statement that the sub-committee of the Munster Dairy and Agricultural School are investigating the question of water in Irish butter, but that the inquiry will not be complete for some months, 2327-2335——Diversity of opinion as to the best mode of preserving butter, 2332.

Opinion that the individual farmers are able to produce as good butter as that made at the factories and creameries; undesirability of any extension of the factory or creamery system, 2333-2338. 2471-2480——Expediency of a strong representation being made to the Government to increase the grant to the Munster Dairy and Agricultural School, 2432-2435. 2482-2484.

Approval of the proposal that margarine should only be sold in a specially-shaped firkin, and that small quantities should only be sold in a particular paper with "margarine" in large letters on it, 2442-2444.

E.

Egerton, The Hon. Alan de Tatton (Member of the House.) (Analysis of his Evidence.)—Witness has been a member of the Vestry of St. George, Hanover-square, for over fifteen years, and was Chairman of the Joint Conference of the Vestries in connection with the question of the adulteration of food, 7549, 7550.

Main object of the Joint Conference to formulate suggestions for the amendment of the present Acts; brief abstract of the conclusions arrived at by the Conference, 7551 *et seq.*—— Recommendation that inspectors should be empowered to take samples of food and drugs at any railway station or other place where the goods are in course of delivery by consignors or wholesale dealers, 7555.

Desirability, in regard to the warranty difficulty, of providing that when the retailer can prove that the condemned article was sold in the same state as he received it, and that he purchased it as the article for which he sold it, the liability as to penalties shall be shifted on to the wholesale dealer or manufacturer, 7555. 7581-7584. 7659-7662. Suggestion of the Joint Conference that the label shall describe the contents of the package, and, in the case of a mixture, name the proportions of the ingredients therein, 7555. 7594-7599. 7663-7670.

Proposal that standards for milk, milk products, and other articles admitting of definition, shall be fixed by an expert committee under the Local Government Board, with power to alter them in exceptional seasons, 7555. 7577-7580. 7625-7633—— Advisability of all imported food and drugs being subjected to examination and analysis at the port of entry, 7555. 7600, 7601.

Recommendation that a minimum penalty of 40*s.* be imposed for all offences under the Act, the penalty being doubled, with or without imprisonment, in the case of second and subsequent offences, 7555. 7602, 7603——Proposed regulations as regards itinerant vendors, 7555. 7654-7658.

Evidence to the effect that at least 150 samples of milk have been taken this year, out of a total of 400 samples, 7556-7561. 7586-7591. 7618-7621——Varying judgments and unequal sentences of the magistrates in regard to adulteration, severely handicapping the work of the vestry committee, 7562-7564.

Great difficulty occasioned by the want of a definite standard of milk; conclusion that genuine milk is watered or blended with separate milk to the extent of three or four per cent.,

Egerton, The Hon. Alan De Tatton. (Analysis of his Evidence)—*continued.*

cent., and that there is practically no unsophisticated milk sold in London, 7565 *et seq.*; 7604–7607. 7615–7618. 7622 *et seq.*; 7634–7648. 7671–7690——Opinion that the Act should be made compulsory, not permissive, in order that its administration should be uniform throughout the country, 7585–7591.

View of witness that the public analyst should not be compelled to give a quantitative analysis on his certificate, but that the result of the analysis should be stated in general terms, 7592, 7593——No doubt that the absence of a time limit in regard to perishable articles is a great impediment to the efficient administration of the Acts; impracticability of preserving the samples by employing some freezing process, 7581–7584. 7608–7614.

Epps, Hahnemann. (Analysis of his Evidence.) Witness is director of James Epps and Company, Limited, and chairman of the cocoa sub-section of the London Chamber of Commerce, 4869, 4870.

Opinion that cocoa is more nutritious than tea or coffee, in addition to being a pleasant and exhilarating beverage, 4871, 4872——Difficulty of making cocoa serviceable as a food overcome (300 years ago) by adding sugar and arrowroot, another method (introduced twenty or thirty years ago), consisting in removing as much as possible of the fat; opinion that the treatment of cocoa chemically with potash, soda, or ammonia is injurious to the human system, 4873–4885. 4978–4983.

Statement that the only pure cocoa is the cocoa nibs, whole or ground, and that all other preparations of cocoa should be described as mixtures, 4882–4884. 4950–4955——Great increase in the importation of foreign cocoa, chiefly from Holland; belief that the Dutch cocoas are prepared by a deleterious process, 4885–4890. 4984–4996.

Desirability of retaining the whole body of cocoa-oil in the cocoa sold to the public; sale by auction of tons of cocoa-butter every week, 4891–4897——Evidence in support of the opinion that cocoa prepared with sugar and arrowroot is very nutritious, 4898–4905.

Approval of the ingredients used in the preparation of the cocoa and the description of manufacture being declared on the label; disinclination of witness to state the actual proportions of the ingredients on the label, although not objecting to a certain standard being fixed for the guidance of the public, 4906 *et seq.*; 4942, 4943. 4962–4966——Information as to the various kinds of cocoa and chocolate manufactured by witness' firm, one quality only of each article being made and the recipe never altered; explanation as to the difference between cocoa and chocolate, 4917–4941. 4949. 4967–4970——Occurrence during the past twenty years of only two convictions against witness' cocoa, these having been quashed on appeal; non-objection hereon to the present Act, 4943–4948. 4955–4961. 4971–4977.

F.

Faber, Harald. (Analysis of his Evidence.)—Witness has been appointed by the Danish Government to look after the interests of the Danish agricultural produce trade in this country, 1591–1599.

Information as to the steps taken in Denmark to prevent the substitution of margarine for butter, Margarine Acts having been passed in 1885, 1888, and 1891; 1600 *et seq.*; 1790, 1791. 1815–1821. 1866——Good results from the requirement that margarine shall always be kept in certain shaped packages and marked with a certain mark, 1601, 1602.

Appointment in Denmark of special inspectors to look after the working of the Margarine Acts, 1603–1609——Limitation in Denmark upon mixtures of butter and margarine, the Act prohibiting more than fifty per cent. of butter fat to the mixture, and providing that the colour of the margarine must not exceed a certain yellow tint, 1610 *et seq.*

Detailed explanation of the colour-test under the Danish Act of 1891; sufficiency of the test to obtain a conviction, 1620–1629——Particulars as to the penalties under the Margarine Act; experience of witness that imprisonment is necessary, as heavy fines are not sufficient to check adulteration, 1629–1637. 1744, 1745. 1824–1827.

List handed in by witness of the prosecutions for infringing the Margarine Acts, from 1889 to 1894, showing that the carrying out of the Act of 1888 greatly diminished the number of offences, 1638–1649—— Statement that in Denmark margarine can only be retailed in paper wrappers bearing the word "margarine", and stating the percentage of butter fat guaranteed, and the name and address of the manufacturer; instance in which a retail dealer was imprisoned for fourteen days for falsely marking the percentage of butter fat on the wrapper, 1650–1658.

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Faber, Harald. (Analysis of his Evidence)—*continued.*

Decrease in the sale of margarine mixtures during the last few years in England, owing to the fall in the price of butter; submission of a table showing the proportional sale of different qualities of margarine and mixtures, 1659–1661——Opinion that the sale of mixtures gives rise to much unfair competition and swindling; recommendation that if mixtures be not prohibited altogether, the butter fat in them ought to be limited to fifteen per cent., 1662 *et seq.*

Belief that if inspectors of larger areas, or central inspectors, were appointed under the Margarine Act in England, they would find a willing co-operation on the part of the trade, 1670, 1671——Desirability of the adoption in England of the Danish provision that there shall be a specially shaped and marked receptacle for margarine, and that the margarine shall always remain in the prescribed receptacle, 1672–1674.

Recommendation that the inspection under the present English Margarine Act should be extended to factories and wholesale stores, 1675, 1676——Effect of the colour section of the Danish Act to render the export of Danish margarine almost impossible, 1677–1679. 1729–1742. 1751–1754. 1863–1865.

Considerable amount of adulterated butter imported from Hamburg, which could be stopped at the port of entry if samples were taken and analysed, 1680–1685. 1721, 1722. 1770–1789——Evidence in support of the conclusion that a very small amount of margarine can be detected in butter, 1686–1697. 1746–1750. 1776–1789.

Variation of the quantity of water in butter according to the season of the year and the length of time the butter has been made; average percentage of water in freshly made Danish butter from 14·36 to 14·4, 1698–1712——Experience of witness that the average amount of water is higher in fresh than in salt butter; explanation of the dry salt process of extracting the water, 1713–1720. 1755–1763.

View of witness that the use of hot brine in making butter amounts to adulteration, 1721, 1722. 1758–1763. 1849–1853——Approval of a standard being fixed as to the amount of water permissible; suggestion that the maximum for freshly made butter should be eighteen or nineteen per cent., and seventeen per cent. for ordinary samples bought in a shop, 1723–1728. 1764–1769. 1822, 1823. 1832 *et seq.*

Evidence to the effect that the restrictions of the Danish law have killed both the home and export trade in margarine cheese, which amounted to a fraud, 1729–1743. 1866–1869——Prejudicial effect of the large imports of colonial butter on the Danish industry; information as to the manufacture of butter in Denmark; assistance being given by the Government to the dairying industry, 1792 *et seq.*; 1828. 1870–1873.

Fines and Penalties (*Imprisonment*). Attention drawn to the fact that the law at present is very harsh on the shopkeeper, who is sometimes fined without his case being properly defended; desirability of the right of appeal being given freely in order to prevent an innocent man being fined through ignorance, *Trengrouse* 4240–4242. 4292 *et seq*—— Grounds for the conclusion that direct adulteration is not properly dealt with under the present law, and in some cases is not dealt with at all; opinion that the wholesale manufacturer, who really commits the frauds, should be punished by imprisonment, or such heavy fines as would render adulteration unprofitable, *Rogers* 5930, 5931. 6079 *et seq.*

Desirability of factories and all places where foods, drugs, or drinks may be stored or sold being open to the inspectors at all reasonable hours, witness proposing that on a conviction for adulteration the offender, in addition to the seizure of his goods, should be punished by imprisonment without the option of a fine, *Rogers* 5953. 6026–6039. 6163–6165——Necessity in the case of a number of shops kept by one man of there being safeguards which would make the managers liable as regards adulteration when the proprietor is not personally resident on the premises, *ib.* 5954, 5955.

Agreement with the proposal that after repeated offences by the same retailer not only heavy penalties but imprisonment also should be inflicted, *Jennings* 6897–6899. 6905—— Reasons for disapproval of the suggestion to punish repeated offences by imprisonment, *Giles* 7113, 7114— Inadequacy of the fines at present imposed for adulteration; view of witness that the fines should be sufficiently heavy to be an absolute preventative of fraud, *Robinson* 7209*–7218. 7273, 7274.

Disapproval of the proposal to increase the penalties, as the magistrates have sufficient power now to inflict fines that are deterrent enough; non-objection to the penalty of imprisonment as a final resort in bad cases, *Wilson* 7300–7304. 7410——Recommendation that a minimum penalty of 40*s.* be imposed for all offences under the Act, the penalty being doubled, with or without imprisonment, in the case of second and subsequent offences, *Egerton* 7555. 7602, 7603——Contention that the fines in cases of adulteration should be more uniform than they now are, and that a minimum fine should be fixed by law; concurrence with the proposal that the minimum should be 40*s.*, *A. W. Stokes* 7874–7878. 7899.

See also *Butter*, 8. *Cocoa*, 2. *Coffee*, 2. *Lard*, 3. *Manufacturers and Wholesale Dealers.* *Margarine.* 2. *Prosecutions.* *Shop Assistants.*

Foreign Countries. *Précis* of foreign legislation respecting adulteration, showing the regulations in force in the several European countries and in the United States, *App.* 393, 394.

Forster, John Clark. (Analysis of his Evidence.)—Witness is a partner in the firm of Messrs. Fergusson and Forster, one of the largest importers of liquorice juice, 6226.

Evidence in support of the conclusion that liquorice is very largely adulterated, principally with farina, rice starch, sago flour, miller's sweepings mixed with sugar, and other farinaceous substances, 6227 *et seq.*; 6276-6279——Complaint that, although the adulterated liquorice contains only a small proportion of liquorice, the manufacturers are permitted to sell it as liquorice; suggestion that it should be sold as a compound or mixture, 6240–6252.

Instance of a quantity of caraway seeds, adulterated with exhausted seeds, being put up for public sale, but withdrawn at the request of members of the trade. 6253–6260——Statement that arrowroot is largely adulterated with farina and potato starch, 6261–6266. 6274, 6275——Adulteration of pepper with ground rice, long pepper, olive stones, &c., 6267–6273.

France. See *BUTTER.* *MARGARINE.*

Fry, Joseph Storrs. (Analysis of his Evidence.)—Witness is the senior member of the firm of J. S. Fry and Sons, of London and Bristol, cocoa manufacturers, who have been in business upwards of 120 years, 4695, 4696.

Large increase in the consumption of cocoa, in its manufactured form, during the last twenty years, 4697-4702——Detailed information respecting the process of manufacture, the ordinary cocoa of commerce consisting of pure cocoa, to which sugar and arrowroot, or other farinaceous substance, have been added; view of witness that these additions do not constitute adulteration, but are for the public convenience, 4703 *et seq.*; 4795–4797. 4830 *et seq.*

Absence of any complaints that the public do not receive a pure article; explanation that the cocoa mixed with sugar and arrowroot is sold as a mixture, and that there is no free alkali in it, 4726–4730. 4859–4864—— Assertion that there have been no successful prosecutions for the sale of witness' mixtures of cocoa, arrowroot, and sugar, except in those cases where the tradesman has omitted to exhibit the label supplied with the cocoa; particulars of a case in which the magistrate convicted, and witness' firm obtained a decision in their favour in the Court of Queen's Bench, 4731 *et seq.*; 4786, 4787. 4798 *et seq.*; 4816-4819.

Doubt as to the practical value of specifying on the labels the exact proportions of the various ingredients in the mixture, or the process of manufacture, as the different qualities of cocoa are well known to the purchasers, and the public are not misled, 4743–4751. 4845–4858——Supposition that the great differences that sometimes exist between the analyses of the same cocoa must be due to want of accuracy on the part of the local analysts; objection to the analysts' habit of calling arrowroot "starch," 4752–4755.

Opinion that when the label supplied with the cocoa has been exhibited the burden of proving that the mixture is injurious to health ought to rest with the prosecution; warranty given with pure cocoa if required by the customers, 4756–4761—— Willingness of witness' firm to take, as far as possible, the whole responsibility for the quality of the cocoa they make, it being unjust to the retailer to make him bear the brunt of a prosecution with regard to an article of which he has no knowledge; non-objection to its being compulsory for the inspector to take a packet with the manufacturer's label on it, 4762–4764. 4786–4810. 4827–4829. 4865–4868.

Approval of the proposal that there should be a statutory form of warranty, 4765——Evidence to the effect that chocolate is pure cocoa combined with sugar and formed into cakes, the simple forms of chocolate being almost identical, chemically, with cocoa; large and growing trade in chocolate confectionery, 4766–4768. 4791–4794.

Contention that, although the Act is complied with for safety, it is not absolutely necessary that the labels should contain a declaration that the article is a mixture, 4769 *et seq.*; 4811-4815——Information respecting cocoa nibs, cocoa essence, cocoatina, and cocoa prepared by the Dutch process, the purest ordinary forms of cocoa being "pure concentrated extract" and "cocoa extract"; opinion that there is no justification for alleging that the Dutch method of treatment is injurious to health, 4772–4779. 4820–4826. 4830–4844—— Statement that the oil is extracted from cocoa by hydraulic pressure; belief that the practice of extracting the oil, which is a comparatively modern innovation, was introduced by the French for the purpose of making cocoa-butter, 4780–4785.

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Gibson, Robert. (Analysis of his Evidence.)—Witness is salesmaster of the Limerick Public Creamery Market, agent for Messrs. Pearson and Rutter, of Manchester and Liverpool, and has been in the Irish butter trade all his life; attends as one of the representatives of the South of Ireland Butter Merchants' Association, 2048–2050.

Evidence in support of the contention that it is impossible to fix any standard of moisture in Irish salt butter that will not interfere, under certain circumstances, with an honest farmer doing his best to produce good butter; instances of excessive moisture in honestly-made butter, 2051 *et seq.*; 2083–2090. 2101 *et seq.*——Certainty that hot brine is used with salt butter by some people to fraudulently increase the weight and bulk of the butter; statement that the fraudulent addition of brine can be detected, 2065, 2066. 2121 *et seq.*

Objection to a standard of moisture in butter being fixed, on the ground that it would tend to lower the quality of the butter, and that it would also make it impossible to put on the English markets any butter that will keep for six months, 2067–2070. 2138–2146. 2157–2178——Opinion that skilful analysts can detect added water as compared with water that occurs in process of manufacture, and that the analyst's certificate ought to state whether the water has been fraudulently added or not, 2071 *et seq.*

Necessity of adding 10 per cent. of brine in order to make butter keep for any length of time, the brine being stronger the longer the butter is to be kept, 2091–2100. 2121 *et seq.*; 2147–2151. 2157–2178——Explanation that butter fat is composed of oleine and stearine, the butter produced on rich land containing more of the former and that produced on poor or dry land more of the latter; intrinsic value of lowland butter less than that of mountainy butter, 2112–2120.

Belief that brine is not used in the manufacture of New Zealand and Australian butter, cold storage taking the place of brine; no doubt that this butter would be vastly improved by the addition of brine, 2127, 2128. 2157, 2158——Estimate that butter saved with brine ought to contain at least 10 per cent. more moisture than fresh butter; erroneous ideas of some English analysts as to brine and water in butter, 2129–2137——Decided opinion that the public are good judges of butter, 2152–2156.

Giles, Arthur John. (Analysis of his Evidence.)—Witness has had sixteen years' experience in the grocery, provision, and oil and colour trades as a trade journalist; is Secretary of the Federation of Grocers' Associations of the United Kingdom and Founder and Secretary of the Metropolitan Grocers' and Provision Dealers' Association, appearing on behalf of the former, 7027–7030.

Submission by witness of a copy of memorandum containing the proposals of the federation for the amendment of the Sale of Food and Drugs Act which have been laid before the heads of the Local Government Board on four different occasions; inclusion of some of the points in Sir Charles Cameron's Bill, 7030 *et seq.* —— Desirability of Section 25 of the Sale of Food and Drugs Act being amended so as to clearly define a warranty and to provide that an invoice shall be a sufficient warranty, 7033. 7070. 7083–7085. 7104–7106.

Proposal that the Act be amended so as to provide for proceedings being taken against the person or firm giving the warranty where any such warranty is pleaded in defence to proceedings, 7033——Necessity of further provision for the taking of samples by inspectors from wholesale houses, manufacturers, and importers, 7033. 7094–7099.

Urgent want of some satisfactory system of inspection that shall cause the law to be efficiently administered in all districts, 7033. 7111, 7112. 7119–7122——Advisability of establishing a system of scientifically-determined standards for the guidance of public analysts, traders, and others, 7033.

Suggestion that Section 22 of the Act should be amended so as to make it compulsory, instead of discretionary, on justices, or the court, to refer articles for analysis to the Somerset House authorities at the request of either party, 7033. 7090–7093. 7103——Contention that the use of the word "margarine" should be a sufficient protection against conviction for the sale of butter mixtures, or else that all prosecutions for the sale of such mixtures should be taken under the Margarine Act; proposal that until the law can be altered an order may be issued to the local sanitary authorities on the subject, 7033. 7064–7072. 7142–7149.

Suggestion that where an adulterated article has been sold by the fault or error of an assistant the latter shall be brought before the court, and the employer acquitted on proof that the sale was without his knowledge or connivance, 7033. 7070. 7073——Necessity of amending Section 10 of the Act of 1878, so that a proper limit shall be fixed as to the time when summonses shall be returnable for all articles, besides merely perishable goods, 7033. 7100, 7101.

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Giles, Arthur John. (Analysis of his Evidence)—*continued.*

List of the statutes that deal with the adulteration of food; opinion that in view of the conflicting decisions of magistrates these statutes require amending or codifying, 7036–7038——Varying opinions given by analytical and other witnesses as to whether preserved peas coloured with sulphate of copper are injurious to health, 7039, 7040.

Suggestion that the power of the Court of Quarter Sessions to give the defendant costs in the case of a successful appeal should be extended to the Queen's Bench and the higher courts; particulars hereon of the case of Otter *v.* Edgeley, 7040–7051. 7127 —— Recommended constitution of a committee of reference, under the Local Government Board, who should consider and settle all technical questions in connection with the adulteration of food, 7052–7063. 7115–7117. 7123–7126.

Disapproval of the proposal that standards should be fixed in the case of mixtures, as they would be quite unworkable, 7056–7063– —References to numerous cases illustrating the hardship inflicted upon retailers in regard to notice of the contents of packages and tins being given to purchasers by the label; necessity of the inspectors being made to understand that the label is a sufficient notice, 7074–7082. 7134, 7135.

List handed in of 200 cases in which the summons was dismissed on a variety of grounds, about 10 per cent. of them being dismissed on the ground that the analyst was wrong; satisfaction of the retail trade with the Somerset House analysts but not with the local analysts, who are often incompetent, 7086 *et seq.*; 7128–7133——Approval of the sample taken by the inspector being divided into four parts and each part marked by the vendor, 7094, 7095.

Contention that the defendant's analyst should be put on the same footing as the public analyst, who can only be brought to the court by being summoned, 7102—— Unanimous opinion of the Metropolitan Grocers' and Provision Dealers' Association that the Margarine Act is sufficient for the prevention of fraud; laxity, however, of the local authorities in carrying it out, 7107 *et seq.*; 7119–7122.

Reasons for disapproval of the suggestion to punish repeated offences by imprisonment, 7113, 7114——Opinion that "butterine" would have been a better name to have used than "margarine," but that it is not worth while to change it, 7136–7139.

Ginger. Statement that the real ginger trade of the country is being destroyed by the adulteration that is going on, the practice being to grind up refuse ginger and mix it with good ginger, *Rogers* 5850–5859. 5865, 5866——Complaint that, although a charge that some ground ginger supplied by witness' firm was adulterated was unfounded, the firm had to bear the cost of the defence; strong feeling among the wholesale firms in regard to the serious inconvenience and expense of defending unfounded actions, *Harvest* 6311–6320. 6333–6339. 6356–6368——Statement that there is no reason whatever why ginger should not be perfectly genuine, *Jennings* 6885.

Glasgow. Representation in detail of the views of the Glasgow Wholesale Provision Trade Association, *Clement* 2796 *et seq.*

Representation by witness of the views of the Glasgow Provision Trade Association, of which he is president, *Hamilton* 3007 *et seq.*

See also *BUTTER. CHEESE. MARGARINE.*

Goode, John Charles. (Analysis of his Evidence.)—Witness represents the Coffee Section of the London Chamber of Commerce; has had an experience of some years in the trade, 6673–6675.

Experience of witness, both with his wholesale and retail customers, that a mixture of coffee and chicory is preferred by the public to pure coffee, 6676–6680. 6698, 6699 ——Opinion that the higher-class mixtures should be labelled "coffee and chicory"; disapproval of the proportions of the coffee and chicory being declared on the label, as such a declaration would be no criterion as to the value of the article, 6680–6686; 6700 *et seq.*

Non-increase in the sale of coffee of late years, due to the tremendous increase in the consumption of tea, and the relatively lower price of tea, 6687–6697. 6704–6706—— General opinion of the retail grocery trade that if an Act were passed making it compulsory to declare the proportions of coffee and chicory on the label the sale of coffee would be decreased, 6700–6706.

Gosse, Edmund. Obligation expressed by the Committee for the assistance rendered by Mr. Edmund Gosse, Translator to the Board of Trade, in having made a translation and précis of the laws in foreign countries relating to the adulteration of food products, *Rep.* iii.

Grocery Trade. General conclusion that there is a considerable amount of direct adulteration in the grocery trade, chiefly in connection with spices, arrowroot, seed, and liquorice,

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there being also practices verging on adulteration, such as admixtures of coffee, cocoa, and mustard, *Rogers* 5923–5927. 5976–5982. 6197–6202.

Attention drawn to the regulations of the Grocers' Company of the City of London, which, allowing for difference of the times, embody the whole of the powers which witness proposed to delegate to the Central Analytical Department; conviction that the large amount of adulteration now practised is due to the neglect of the Company, *Rogers* 5962, 5963. 6094. 6099. 6137–6144——Submission by witness of a draft Bill embodying the various suggestions he has made, *ib.* 5973, 5974.

Explanations respecting a statement which was presented to the Local Government Board by a deputation headed by witness, when he was President of the Federation of Grocers; this statement handed in, together with a copy of Sir Charles Cameron's Bill, which largely meets the views of the Portsmouth grocers, *Sir W. Pink* 6593 *et seq.*——Approval of there being a provision under a new Act giving grocers the power to decline to sell an article loose, *Jennings* 6921–6925.

Submission by witness of a copy of the memorandum containing the proposals of the Federation of Grocers' Associations for the amendment of the Sale of Food and Drugs Act, which have been laid before the heads of the Local Government Board on four different occasions; inclusion of some of the points in Sir Charles Cameron's Bill, *Giles* 7030 *et seq.*——Analysis handed in of the answers received by the local Grocers' Association at Liverpool from its members to a number of questions with reference to the Sale of Food and Drugs Act and the Margarine Act, *Wilson* 7449–7452.

Paper handed in to the Committee by Mr. A. J. Giles, containing summary of legal proceedings for adulteration of coffee, cocoa, mustard, butter, lard, &c., &c., the summonses having been dismissed on various grounds, *App.* 388–392.

See also *BUTTER. CHEESE. COCOA. COFFEE. Customs Department. LARD. MARGARINE. Mustard. Pepper. Sugar. Vinegar.*

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Hamilton, James. (Analysis of his Evidence.)—Representation by witness of the Glasgow Provision Trade Association, of which he is President; he is conversant with dairy farming, 3007–3011.

Very little adulteration of any of the average butters sold in Scotland, 3012, 3013——More water in Irish than other butters, 3013–3016——Grounds for objecting to any standard being fixed as to the maximum of water to be allowed in butter, 3017–3020.

Fraudulent sale of a certain proportion of margarine in Scotland, through laxity on the part of the local inspectors; very large sales by dealers who strictly carry out the provisions of the Act of 1887, the public demand being considerable, 3021–3029. 3068–3070.——Sufficiency of the restrictions under the Act of 1887, if efficiently administered, for the prevention of the sale of margarine as butter; approval however of heavier fines, but not of imprisonment, 3023, 3024. 3031–3039. 3069–3078, 3108–3112——Popularity and wholesomeness of margarine as an article of food, it being cheaper and better than inferior butter, 3028, 3029. 3082, 3083. 3107. 3211, 3212.

Inexpediency of prohibiting the sale of margarine mixtures, such as the improvement of margarine by a small admixture of butter; belief that in Scotland no mixing machines are used by the retailers, 3040–3044. 3106. 3173–3179. 3252–3256.——Objections to any restrictions upon the colouring of margarine, as such restrictions would be injurious or distasteful to the working classes, and there are no similar restrictions respecting butter, sugar, &c., 3045–3052. 3113–3115. 3138–3151. 3155–3157. 3180. 3197–3210. 3220–3251——Questionable advantage of any restrictions providing for the compulsory use of specially-shaped packages, 3053–3057. 3133–3137——Approval of a restriction upon the removal of labels from the packages, 3058–3060.

Contention that interference with the sale of margarine would be very injurious to agriculture, as the quantity now sold in this country requires the milk of 20,000 cows, besides a large quantity of the best fats, 3061–3067. 3079–3091. 3121–3126. 3129–3132. 3188–3190——Conclusion that it should be imperative on the local authorities to enforce inspection, and that special inspectors are required, 3071–3076. 3117, 3118. 3152–3154. 3182, 3183——Expediency of special inspectors under the Sale of Food and Drugs Act, 3076–3078.

Approval of the sale of butter and margarine in the same shop, without separate counters being required, 3092–3094. 3166–3170. 3213–3219.——Import chiefly of Danish butter into Scotland; limited import from the Colonies or the States, 3095–3105——Exception taken to the proposal that dealers who sell margarine should be required to put up a notice to that effect, 3127, 3128. 3166–3170.

Information as to the relative cost of butter and margarine, and the relative profit on sale by the retailer; very large profit in some cases where margarine is sold as butter,

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Hamilton, James. (Analysis of his Evidence)—*continued.*

3158-3165. 3191-3202——Approval of amended Custom House regulations as to examining butter and margarine at the port of entry, 3181——Objection to importers being responsible if adulterated butter be sent to them from abroad and represented as genuine, 3184-3187.

Harris, John M. (Analysis of his Evidence.)—Witness is a partner in the firm of C. and T. Harris, of Calne, which is largely engaged in the pig trade, and makes a considerable quantity of lard; is a member of the Bacon Curers' Association of England, 4403-4406. 4429. 4520, 4521.

Evidence explanatory of the constitution and manufacture of lard, and showing that no addition of anything nor refining is required, 4406-4422. 4457-4469. 4502-4504——Statement that the lard made by witness' firm sells for a slightly higher price than Irish lard, but that the price is a very unprofitable one on account of American competition, cheap butter, margarine, &c., 4423-4428. 4439-4450. 4470 *et seq.*; 4498-4507. 4533, 4534.

Difficulty, due to defects in the law, experienced by the Bacon Curers' Association of England in obtaining convictions, in connection with the adulteration of lard, 4429-4438——Unfairness of the American competition in putting an article on the English market that contains cotton-seed oil and stearine; non-objection to the sale of this adulterated lard if it be honestly sold as a mixture, 4451-4456.

Belief that American pigs produce a soft oily lard that requires refining or stiffening, 4457-4469. 4514-4519——Certainty that the lard made by the English and Irish curers is absolutely pure, and that nothing is done to it which impairs its quality, 4474 *et seq.*

Suggestion that, in order that the public may not be defrauded, every bladder, tin, and pail should be stamped in some descriptive manner in order to show the exact kind of lard it contains, 4482-4514. 4541-4544——Importation of a large quantity of American bacon in a green soft state, which after being dried and got up is sold as one of the best known English or Irish brands; sufficiency of the law as its stands to stop this fraud, if it were properly carried out by the Board of Agriculture, 4522-4540.

Harvest, Daniel Richard. (Analysis of his Evidence.)—Witness is a member of the firm of W. and D. Harvest; has had a personal experience of over 50 years in the spice and grocery trade, 6280, 6281.

Evidence to the effect that the extensive adulteration of pepper by wholesale firms has recently been almost entirely checked by the vigorous application of the Adulteration of Food Act in most parts of the Kingdom, numberless prosecutions having taken place, 6282-6285. 6340 *et seq.*——Instances of sales by public auction of large quantities of worthless stuff as pepper; necessity of strict regulations on the subject, 6286 *et seq.*; 6327-6332. 6348-6354.

Large trade in Mincing Lane in spent caraway seeds, which are bought for use as an adulterant, there being nothing in the Act to prevent this fraud, 6292-6301——Attention drawn to the fact that the Act is also inoperative in the case of candied peel that has had the essential oil extracted from it, 6301-6308.

Injustice of the operation of the Act in some recent prosecutions for the sale of cassia with 6 per cent. of extraneous matter, several defendants being fined notwithstanding that the Act allows for the unavoidable mixture of extraneous matter with drugs, &c., 6308-6310——Complaint that although a charge that some ground ginger supplied by witness' firm was adulterated was unfounded, the firm had to bear the cost of the defence; strong feeling among the wholesale firms in regard to the serious inconvenience and expense of defending unfounded actions, 6311-6320. 6333-6339. 6356-6368.

Statement that although the presence of alum in cakes or bread is an offence under the Act, baking powder containing alum is sold with impunity; desirability of baking powder being specially included as an article used in the preparation of food, 6320, 6321——Desirability of protecting the wholesale dealer by limiting the time of warranty on the invoice, and by guarding against inadvertent or wilful adulteration after an original package has left his premises, 6321-6327.

Haselwood, Robert. (Analysis of his Evidence.)—Witness is the general manager of the Norwich Works of Messrs. J. and J. Colman, mustard manufacturers, 6510. 6584, 6585.

Information respecting the manufacture of mustard, the flour from the brown and white seeds being blended with a certain addition of fine wheaten flour, the whole being coloured with turmeric; slight proportion of chillies also used in the lower qualities, 6511 *et seq.*; 6586——Evidence in support of the view that flour and turmeric are used in the manufacture of mustard for the convenience, rather than for the deception, of the public, 6521-6526. 6556, 6557.

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Haselwood, Robert. (Analysis of his Evidence)—*continued.*

Use by the Government of rice, black pepper, and chillies in the manufacture of mustard for the Navy; statement hereon that although Government commenced to manufacture for themselves because they could not get pure mustard, they soon had to mix other ingredients with it in order to obtain a palatable preparation, 6527, 6528. 6581, 6582——Evidence to the effect that the best mixed mustard is stronger than many grades of genuine mustard are, and is therefore better for medical purposes, 6529.

Considerable demand for pure mustard in some districts, in consequence of the action taken by the inspectors, although the sale is on the whole gradually going down; marked preference of the public for mixed mustard, 6530–6532. 6569–6575. 6583—— Extensive export trade of witness' firm, consisting almost entirely of mixed mustard; difficulty at times through the firm declining to expose trade secrets by declaring the proportions of ingredients on the tins, 6533–6535.

Particulars as to the prices and qualities of witness' mustards, the best condiment mustard being 1*s.* 4*d.* per lb., and the highest quality pure mustard 1*s.* 6*d.* per lb.; explanation that some of the pure mustard is very much inferior to the mixed mustard, 6536 *et seq.*—— Statement that some manufacturers of mustard are not so successful as witness' firm in excluding the mustard husks; no doubt that a large profit is made by leaving them in, 6552–6555.

Instances of the unfair way in which samples of witness' mustard are taken by the inspectors, putting the firm to considerable expense in defending their customers, 6558 ——Satisfaction with the analyses sent out by Somerset House, 6559.

Non-objection to the Sale of Food and Drugs Act as it stands, if the extraordinary freaks of the inspectors be restrained, necessary facilities be given for defence, and there be a proper standard qualification for analysts, and if costs be allowed in wrongful prosecutions, 6559–6568, 6576–6580.

Health. Belief that the adulterants now used are not of a poisonous or unwholesome character, as they were some twenty-five or thirty years ago, *Rogers* 5975.

See also *Butter. Cheese. Margarine.*

Hickey, Patrick. (Analysis of his Evidence.)—Witness is a wholesale butter merchant at Manchester, and has been connected with the trade for twenty-five years; represents the Manchester Chamber of Commerce, 668–671. 868–871.

Particulars of cases in which tradesmen have been prosecuted for excess of water in butter, the butter sold being alleged to contain, in some instances, as much as 26 per cent. of water, 672 *et seq.*——Evidence to the effect that, in consequence of a Manchester grocer being fined in 1892 for selling salt butter containing 23 per cent. of water, the local wholesale butter merchants interviewed the Corporations of Manchester and Salford, and obtained six months' grace in order to enable their customers to use up their stocks, 680–690.

Efforts made by the Manchester butter merchants to move the Irish, Danish, and Swedish Governments to endeavour to reduce the percentage of water in butter, and to fix a fair and reasonable standard, 683–687——View expressed by the Somerset House authorities that it was not expedient to fix by law what percentage of water in butter constitutes adulteration, 687–689.

Feeling in the Manchester butter trade that any standard under 20 per cent. for Irish salt butter would be unfair to the producers, 690 *et seq.*; 921, 922——Conflicting opinions given in the test case at Manchester by the analysts in regard to the effect of temperature on moisture in butter; evidence in support of the conclusion that the higher the temperature the more moisture there will be, 690–723. 885–899.

Belief that the result of over-working butter with a view to getting the water out is to break the grain of the butter, reducing it to the texture of grease and making it unsuitable for table use, 707–711——General experience of the trade that butter made with dry salt will not keep so long as butter prepared with brine; idea of the producers that the addition of 4 or 5 per cent. of salt is requisite to preserve butter for three or four months, 724–736. 881–885.

Impression that there is not more than 2 per cent. of salt in what is known in the North of England as Danish salt butter, it being nearly as mild as any English fresh butter, 724–740. 963, 964—— Certainty that if a 15 per cent. standard of moisture were established it would shut out 35 to 36 per cent. of the choicest Danish butter, 60 per cent. of Irish salt butter, and 22 to 23 per cent. of the best English fresh-made butter, 741 *et seq.*; 876–880. 899–903.

Evidence in support of the contention that butter may contain as much as 25 to 30 per cent. of moisture without being adulterated, 750–758——Opinion that considerable allowance should be made for differences in moisture in butter made on the continent, which only remains fresh for a week or two, and Irish salt butter, which keeps fresh for three or four months, 759, 760.

Recommendation

Report, 1895—*continued.*

Hickey, Patrick. (Analysis of his Evidence)—*continued.*

Recommendation of the Manchester Chamber of Commerce that analysts should be paid a larger proportion of their remuneration as an annual salary by the municipalities employing them and a smaller proportion by fees, 761, 762. 923, 924——Enumeration of the various amendments considered necessary in the Sale of Food and Drugs Act, 1875, with general recommendations for the improvement of that Act, and the Margarine Act, 1887; 761–770. 868–871.

Special attention drawn, on behalf of the wholesale merchants of Manchester, to the recommendation that no opinion of the analyst should be added to his certificate, unless the article analysed is injurious to health, 763–765—— Recommendation that retailers should have the onus put upon them of satisfying the Court that they believed the guarantee given them by the sellers was genuine, the guarantee being in some cases a cloak for fraud, 766–769.

Non-success of the attempts of the Manchester butter merchants to induce the Customs to use the powers they possess under the Margarine Act, 771—— Statement that notwithstanding that a conviction was obtained against a wholesale house in Manchester about a year ago in connection with the sale of Hamburg factory butter, that kind of butter is still going into Manchester, branded "guaranteed pure," although a very large number of houses have ceased selling it, 772–777. 851–854. 918.

Desirability of butter factories and creameries where butter is made being open to inspection like margarine manufactories, 778. 919, 920——Advisability of prohibiting the manufacture of butter and margarine on the same premises, 779, 780. 916, 917.

Personal opinion of witness that persons selling margarine as butter should be imprisoned on being convicted for the third time, 781–785. 911——Divided opinion in the trade in Manchester as to the colouring of margarine; recommendation that colouring should be prohibited, so as to make the mixing of margarine with butter illegal, 785–788. 802–806. 845–867. 904–912. 934–961.

Explanation that witness is in favour of the law being made very stringent in regard to the adulteration of butter, because an honest dealer is entirely handicapped at present, and the unscrupulous retailers make an enormous profit, the latter persisting in selling margarine as butter, although heavily fined for doing so, 789 *et seq.*; 872–875. 925 *et seq.*——Suggestion that the law should be so carried out as to enable an ignorant person on going into a shop to recognise margarine at once, 795, 796. 809–826.

Great improvement in the quality of Danish butter, due to the unremitting attention given to the subject by the Danish Government, 797, 798——Belief that the great bulk of oleo, the principal ingredient in margarine, comes from America, and that most of the margarine sold in England is manufactured abroad, chiefly in Holland, 799–813. 827–850. 913–915. 932, 933. 962.——Statement that the frandulent sale of mixtures by wholesale merchants is very rare, 812, 813. 874, 875.

Hickey, Robert. (Analysis of his Evidence.)—Witness is honorary secretary of the South of Ireland Butter Merchants' Association, Limerick, and buys butter for the firm of P. Hickey and Company, of Manchester, 2179.

Evidence to the effect that witness' association was formed in 1886 for the purpose of improving the manufacture of Irish butter, and afterwards for enforcing the provisions of the Sale of Food and Drugs Act, 2180 *et seq.*——Result of the experience of the association that the standard of the public analysts of 16 per cent. of water in butter was not fair to the makers, the water in samples tested varying from 8 to 30 per cent. in 1893, and up to 24 per cent. in 1894; statement, moreover, that a high percentage of water is a loss to the merchants, 2183–2193. 2264–2274.

Instances of great variation in the percentage of water in butters made at different degrees of temperature in the same dairies; inference that the variation in the quantity of water was due to circumstances beyond the control of the farmers, 2194 *et seq.*; 2251 *et seq.*——Opinion that it is inadvisable, and almost impracticable, to fix a standard of moisture in butter; a standard of 16 per cent. of moisture for Irish butter would mean the destruction of fully five-sixths of the butter made in Munster, 2211–2214.

View of witness that 20 per cent. of water in Irish salt butter does not prejudice the public, who know exactly what they are buying; impossibility of making this kind of butter without brine, 2215–2221. 2237–2239. 2246–2250——Statement that Irish butter is not, and never has been, adulterated with margarine, 2223, 2224.

Resolutions passed by the Association (represented by witness) to the effect that, while there was no objection to the legitimate sale of margarine, the colouring of margarine to imitate butter, and the mixture of margarine with butter, should be prohibited; desirability also of margarine being sold in specially-shaped packages only, 2225, 2226——Considerable trade in empty Irish butter firkins, until a few years since, between the Limerick coopers and Rotterdam and some American ports; impression that the firkins were imported there for the purpose of being filled with margarine, 2227–2236—— Beneficial effect of the dairy schools on the butter trade of Ireland;

Report, 1895—*continued.*

Hickey, Robert. (Analysis of his Evidence)—*continued.*

advisability of planting more schools in Limerick, Waterford, and Kerry, 2240-2245.

Horner, John Thomas. (Analysis of his Evidence.)—Witness represents the Dairy Trade and Can Protection Society, 566.

Desirability of there being a uniform standard of milk legally established; necessity of fixing the standard low, in view of the great variation in the quality, 567 *et seq*; 648 *et seq.*—— Statistics showing the variations in the constituents of milk at different seasons of the year, as well as in the constituents of the milk of different herds, and in the milk of individual cows; experience of witness that the afternoon milking is richer than the morning milking from the same herd, 570-603. 618-627. 636-646.

Conclusion that if the milk standard be fixed at not more than 11 per cent., namely, fat solids at 2·5, and solids not fat at 8·5, no injustice would be done to the milk vendors; opinion that it would be much too high to fix the fat solids at 3 per cent., 603, 604. 628-635. 654 *et seq.*—— Particulars of experiments made by witness showing that, as the cream in a pan of milk on the counter of a shop naturally rises to the top, the first quantities sold are good milk, and that the quality deteriorates as the pan is emptied, the milk at the bottom being such as would be liable to condemnation, 605-611.

Submission of printed document setting forth all the suggestions made by his society as regards inspection, &c., for the protection of its members; explanations thereon, 612-617. 647. 660-667——Admission that if the legal standard be fixed as low as 11 per cent., it might tend to make vendors never sell milk of any better quality than that standard, 657-659.

Hudson, James. (Analysis of his Evidence.)—Witness is senior member of the firm of Hudson Brothers, butter and provision dealers, of Ludgate Hill; is also a member of the London Chamber of Commerce and the London Butter Association, and has been in the trade for fifty years, 1241, 1242. 1393-1399.

Evidence to the effect that witness' firm, in order to guard against fraud, compels the manufacturer or shipper to give a guarantee that he will supply nothing but pure butter, and to put a notice to that effect on every invoice, 1243-1247. 1376-1385——Non-objection to the sale of margarine if it is sold as margarine, it being beneficial to the poor, especially in very dear times, 1248-1250. 1345. 1533-1537. 1583-1587.

Tendency of Australian and New Zealand butters, while they maintain their low prices, to displace margarine and mixtures of margarine and butter; no trace of any adulteration in colonial butters, 1251-1262. 1437-1439. 1461-1463. 1588-1590—— Decided objection to the mixture of margarine with butter, because it is a fraud on the public and an injury to the producers of the pure article; very large profit gained by the manufacturers and vendors of this spurious butter, 1263-1272. 1342-1350. 1425 *et seq.*; 1464-1469.

Insufficiency of the law as a deterrent of the fraud of margarining butter; recommendation that the fines should be much heavier, with imprisonment on a third conviction, the Sale of Food and Drugs Act being amended so as to secure the actual offender, 1273 *et seq.*; 1346-1350. 1418-1424. 1502-1505——Opinion that margarine and butter ought not to be allowed to be sold in the same shop; probability that the sale of margarine and butter in separate establishments would result in a reduction of the sale of margarine, and an advantage to the dairy producers, 1279-1312. 1373. 1392. 1440-1447. 1470-1475. 1491-1496.

Sale of margarine in great quantities in Edinburgh, Glasgow, Liverpool, and other large centres in the North; no doubt that margarine is a wholesome article of food, 1286-1294. 1351-1357——Desirability of margarine being kept in wooden cases of a particular shape, with the word "margarine" indelibly stamped on them, 1304-1306. 1334-1338. 1515-1518. 1558-1564.

Approval of the proposal to license sellers of margarine, the fact that they were licensed to be notified over the doorway of the shop, 1310-1312. 1330. 1368-1372—— View of witness that the manufacturers of margarine should be allowed to colour their produce in any way they please, 1313-1316. 1459, 1460. 1497-1501. 1544-1573.

Suggestion that the inspectors should be empowered to take samples of butter while in transit from the retailer to the house of the customer, 1317-1325. 1448-1458. 1486-1490——Recommendation that the mixing of margarine with butter should be absolutely prohibited under the strongest penalties, 1326-1330. 1340-1350. 1358-1367. 1512-1526.

Certainty that a great deal of mixed margarine and butter comes to this country as butter; opinion that the Customs ought to interfere more than they do at the port of entry, 1331-1333. 1410-1417. 1540-1543——Contention that adulterations of butter with only 5 or 6 per cent. of margarine can be detected by expert analysts, 1339-1341. 1574-1582.

Statement

Report, 1895—*continued.*

Hudson, James. (Analysis of his Evidence)—*continued.*

Statement that the London Butter Association was formed because the local bodies and those entrusted with the working of the Acts did not do their duty; considerable success of the Association so far, 1400 *et seq.*; 1506–1511.—Decided opinion that many of the inspectors of butter are open to being bribed, 1402–1409. 1451–1455. 1476–1483. 1538.

Absolute denial of the statement that there is reasonable ground for the suggestion that Bretel Frères and Lepellitier ship adulterated butter to England; no doubt that some Normandy shippers have been convicted for adulterating largely, 1429–1436. 1484, 1485.—Desirability of there being travelling inspectors in private clothes, some of them being women, and that the inspecting authority should be shifted from the vestries to the county councils, 1506–1511. 1539.

Belief that climatic and pasturage conditions affect, to a considerable extent, the quantity of water in butter, 1527–1532—Experience of witness that only a very small percentage of margarine is sold for cooking purposes, 1544–1557.

[Second Examination.]—Inability of witness to produce proof of corruptibility upon the part of some of the inspectors, as none of the witnesses dare to come forward publicly; explanation that there is no desire to cast reflection upon the general body of inspectors, 5000–5014.

I.

Imprisonment. See *Butter*, 7. *Fines and Penalties.*

Inspection. Inability of the inspectors of Local Government bodies to detect butter adulterations satisfactorily, as they are known by their uniform when they enter shops to take samples; recommendation that the power of appointing the inspectors be vested in the County Council, and that both male and female inspectors, not in uniform, be appointed and be changed from time to time, *Lovell* 98 *et seq.*; 245–248—Evidence tending to show that some of the inspectors of butter are probably corrupt, *ib.* 98–107—Reasonableness of the suggestion that the inspectors should be empowered to take samples of butter for analysis from carts going round to the private consumers, *ib.* 149, 150.

Decided opinion that many of the inspectors of butter are open to being bribed, *Hudson* 1402–1409. 1451–1455. 1476–1483. 1538—Inability of witness to produce proof of corruptibility upon the part of some of the inspectors, as none of the witnesses dare to come forward publicly; explanation that there is no desire to cast reflection upon the general body of inspectors, *ib.* 5000–5014.

Expediency of special inspectors under the Sale of Food and Drugs' Act, *Hamilton* 3076–3078—Opinion that most of the prosecutions for the sale of admixtures are due to what may be called tricks, the inspector waiting until the master of some small shop is absent and then stepping in to ask for some article at a price at which he knows the pure commodity cannot be supplied, *Rogers* 5931 *et seq.*; 5983. 6040–6049.

Contention that the practice of the inspectors in asking for drugs by their popular names and of then prosecuting under the Pharmacopœia name constitutes an injustice to traders, *Preston* 6486–6493. 6507–6509—Unfair way in which samples of mustard are taken by the inspectors, *Haselwood* 6558—Want of some satisfactory system of inspection that shall cause the law to be efficiently administered in all districts; uselessness of any improvement of the Act unless there is proper inspection, *Giles* 7033. 7111, 7112. 7119–7122.

See also MARGARINE, 3. *Fines and Penalties. Prosecutions. Samples. Travelling Inspectors.*

Invoice (Warranty). Desirability of the invoice being made a warranty under the Act, epecially in the case of all proprietary articles and packed foods, so that in case of a prosecution action could be taken against the manufacturer, his agent, or the importer, thus freeing the retailers, *Leckie* 5364. 5436, 5437. 5451–5454—Opinion that the invoice itself should be a guarantee that the article invoiced is genuine, *Jennings* 6885. 6916, 6917—Unanimous feeling of both the wholesale and retail trade in Glasgow that the invoice should be the warranty; particulars of cases in which retail dealers have been fined, although they sold the articles in the same condition as they received them, *Dunlop* 6977–6991.

Desirability of Section 25 of the Sale of Food and Drugs Act being amended so as to clearly define a warranty, and to provide that an invoice shall be a sufficient warranty; difficulty of the retailer in cases where the wholesale house invoices butter as margarine, *Giles* 7033. 7070. 7083–7085. 7104–7106—Request that shopkeepers may be put upon the same footing as the public by the invoice being constituted a warranty; statement hereon that in Liverpool the retailers do not adulterate, and would be only too glad to co-operate with the authorities, *Wilson* 7283–7289. 7406–7410—Desirability of the retail dealer being protected against the wholesale dealer by the invoice being made the warranty, *Lubbock* 7498–7503.

See also *Warranty.*

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Irish Butter. See *Butter. Margarine.*

Irven, John Dowler. (Analysis of his Evidence.)—Witness has been connected for more than half a century with the trade of lard refining, 5297.

Experience of witness that the use of beef stearin, which was employed for many years, was a distinct advantage in the manufacture of lard; decided opinion that the discontinuance of the use of the former article in consequence of the ruling that it was an infringement of the Sale of Food and Drugs Act is prejudicial alike to trade interests and to the public, 5298-5310.

Concurrence generally in the views of Mr. Kilvert as to the advisability of adding beef suet stearin to American lard for stiffening purposes; contention that lard refined with beef stearin is "of the same nature, substance, and quality" as lard refined with lard stearin, 5311–5331.

Itinerant Vendors. Suggestion that itinerant vendors of food and drugs should be registered, *Robinson* 7219, 7220——Proposal that all itinerant vendors of food and drugs shall only be allowed to sell from vessels inscribed with the name and address of the responsible vendor, and that all itinerant purveyors of milk shall be registered, *Egerton* 7555. 7654–7658.

Ivey, Frederick George. (Analysis of his Evidence.)—Witness appears at the instance of the London Chamber of Commerce to give evidence as to the law relating to coffee and chicory mixtures, 5456–5459.

Opinion that it should be a sufficient defence for the vendor of mixtures of coffee and chicory if the packets be labelled coffee and chicory when the coffee predominates, and chicory and coffee when the chicory is in excess, the exact proportions not being declared on the labels, 5460, 5461. 5514. *et seq.*——Impossibility at present of arriving by analysis at the exact proportion of chicory that there may be in a mixture; injustice, therefore, of any attempt to compel the vendor to specify the proportions of the ingredients on the label, 5461–5479. 5516 *et seq.*; 5537–5550.

Evidence to the effect that the sale of coffee has not increased so much as might have been expected, owing to the abnormally low price of tea; belief that if the sale of mixtures of coffee and chicory be interfered with the trade will be still further diminished, 5479 *et seq.*; 5520, 5521. 5535, 5536——General satisfaction with the law as it stands at present in regard to mixtures of coffee and chicory, there being no complaints from the public, 5504–5513.

Contention that there is so much variation in the price and quality of coffee and chicory that the ascertainment of the proportions of these ingredients gives no guarantee of the actual value of the mixture, 5522–5527. 5537 *et seq.*——Certainty that the term "French coffee" is always understood by the public to mean a mixture of coffee and chicory, the coffee being roasted in the French style, 5528–5534.

Opinion that the public are not defrauded by the sale of admixtures of coffee and chicory at present; belief, on the contrary, that the grocer makes very little profit out of the transaction, 5551–5558——Doubt as to any other ingredient than chicory being mixed with coffee as an adulterant in this country; manufacture in America of imitation coffee berries, 5559–5574.

J.

Jennings, William. (Analysis of his Evidence.)—Witness has been in the retail grocery and provision trade for forty-seven years; has been a member of the Federation of Grocers' Association from its commencement, and is now president of the Bristol Grocers' Association, 6845–6850.

Opinion that if a customer wishes to buy pure coffee he should ask for it, and that he cannot expect to get genuine coffee at 10*d.* per lb.; statement that witness' mixtures are duly labelled as such, 6851–6861——Recommendation that if the mixture contains less than 50 per cent. of chicory it should be labelled "coffee and chicory," and if more than that percentage of chicory "chicory and coffee," 6861–6863.

Agreement of witness with Mr. Williams that there would be a difficulty in accurately maintaining the proportions of coffee and chicory in a mixture, 6864-6869——View of witness that the label on the top of a tin of French coffee stating that it is a mixture of chicory and coffee ought to protect the tradesman and warn the customer, 6870, 6871.

Sale of loose cocoa at a price, namely, 4*d.* per lb., at which pure cocoa cannot be expected; contention that the manufacturers' labels in the case of packet cocoa ought to be sufficient to protect the shopkeeper from prosecution for selling cocoa with foreign matter in it, 6872–6876——Disapproval of the proposal that the percentages of the ingredients should be stated on the label, 6877, 6878.

Sufficiency of the present labels used for mustard; no doubt that customers understand perfectly well when they buy the ordinary condiment mustard that they are purchasing

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Jennings, William. (Analysis of his Evidence.)—continued.

purchasing a mixture, 6879-6884——Statement that pepper and ginger ought to be perfectly genuine, there being no reason whatever why they should be adulterated, 6885.

Opinion that the invoice itself should be a guarantee that the article invoiced is genuine, 6885. 6916, 6917——Recommendation that margarine should always be sent out in special shaped tubs, indelibly labelled; disapproval of labels that can easily be removed, 6886-6895. 6918-6920.

Non-objection to mixtures of margarine with 20 per cent. of butter being sold as margarine, there being no desire to stop the sale of margarine, 6896. 6926–6950——Agreement with the proposal that after repeated offences by the same retailer not only heavy penalties but imprisonment also should be inflicted, 6897–6899. 6905.

Belief that if butter were inspected at the port of entry and confiscated if not pure, a very good impression would be made upon the foreigner, 6900–6904——Disapproval of the suggestion that margarine should be coloured with some distinctive colour, 6906–6913——Approval of there being a provision under a new Act giving grocers the power to decline to sell an article loose, 6921–6925.

K.

Kensington. Rule of the vestry of St. Mary Abbotts to take 500 samples of different articles under the Sale of Food and Drugs Act and the Margarine Act annually; submission by witness of a table showing that of the 2,500 samples tested in the five years ending 1890, 21·5 per cent. were adulterated, and 11·1 were of inferior quality, *Robinson* 7152–7166. 7278, 7279——Reference to the Annual Report of the Local Government Board for 1889 as showing that Kensington practically stands first in energetic administration of the Act, *ib* 7173, 7174——The vestry have always had a well-qualified man as analyst, *ib.* 7175.

Complete control of the vestry over their inspectors; there is not the slightest reason to suspect their fidelity in the discharge of their duties, *Robinson* 7176, 7177——Opinion that the diminution of adulteration in Kensington is due to the steady enforcement of the Act by the vestry, *ib.* 7178–7180. 7275–7277.

Kilvert, Nicholas. (Analysis of his Evidence.)—Witness represents the Manchester Chamber of Commerce, and is managing director of N. Kilvert and Sons, Limited, lard refiners, Manchester, is connected with the Lard Refiners' Association, and has had over twenty years' experience of lard refining, 5015–5020.

Resolution passed by the Manchester Chamber that it ought to be lawful to use 5 per cent. of beef suet stearin in lard for stiffening purposes for six months in each year; personal opinion of witness that it ought to be lawful to use stearin all the year round, as it is found to be impossible to dispense with it even in winter, 5021 *et seq.*——Statement that 5 per cent. of stearin would be a nutritious and non-injurious addition that would make the lard useful for domestic purposes; disbelief that this addition would encourage adulteration of lard with other oils, 5026–5036.

Necessity of adding stearin to American lard, which is of about the consistency of cream, in order to make it fit for market; fluidity of American lard due to the manner in which the pigs are fed, 5037 *et seq.*; 5150, 5151. 5226 *et seq.*——Explanation that American lard has to be imported because there is not sufficient English lard produced to meet the public demand, 5043–5051. 5174 *et seq.*; 5217 *et seq.*

Contention that Clause 6, Sub-section 1, of the Sale of Food and Drugs Act permits the addition to lard of such a substance as beef stearin; belief that adding lard stearin would be in opposition to Clause 9 of the Act, 5064 *et seq.*——Experience of witness that beef suet stearin is the best substance to add to lard, as it is cheap, pure, and has a high melting point, 5079–5086.

Examination in further support generally of the addition of beef stearin instead of lard stearin in the manufacture of lard for the English market, 5088 *et seq.*; 5239 *et seq.*

View of witness that it is better that the refining of American lard should be done in this country than in America, as there are many trades dependent on the lard-refining industry, and the public get the lard in a fresher condition, 5113–5118.

Suggestions of the Manchester Chamber of Commerce for the amendment of the Sale of Food and Drugs Act, 1875; 5119, *et seq.*——Recommendation that analysts should be paid a larger proportion of their remuneration as an annual salary by the municipalities or other bodies employing them, and a smaller proportion by fees, 5120.

Proposal that the sample taken by the inspector should be divided into four parts, instead of three, so that one part could be at the disposal of the wholesale vendor, if required; practice of witness' firm to take the whole responsibility for the quality of

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Kilvert, Nicholas. (Analysis of his Evidence)—*continued.*

the goods they supply, 5120–5129. 5160–5173. 5203 *et seq.*; 5256 *et seq.*; 5274–5276. —— Further suggestions for the modification of the Sale of Food and Drugs Act, 5130–5139. 5154–5159. 5277–5296.

Particulars of cases in which retailers supplied with lard by witness' firm were unsuccessfully prosecuted during the past year for selling lard alleged to be adulterated; defence of these retailers by witness' firm, in accordance with their invariable practice, at a cost of 425*l.*, the total costs allowed only amounting to 15*l.*; 5139–5148. 5161–5167 5199 *et seq.*; 5262–5273.

Experience of witness that, in nearly every case, the Somerset House analysis is correct; decided opinion that this protection to traders should be continued, as there are a number of country analysts whose analyses cannot be relied upon, 5152–5159 —— Desirability of there being some reliable central authority to give definitions of goods from time to time varying with the commercial requirements, 5184–5187.

L.

Labels. View of witness that verbal declarations made by the grocer to the inspector should not be recognised, and that the label on the article should be the only protection, *Rogers* 5992–5995 —— Disapproval of the proposal that the percentages of the ingredients should be stated on the label, *Jennings* 6877, 6878.

References to numerous cases illustrating the hardships inflicted upon retailers in regard to notice of the contents of packages and tins being given to purchasers by the label; necessity of the inspectors being made to understand that the label is a sufficient notice, *Giles* 7074–7082. 7134, 7135 —— Recommendation that except in the case of compounded drugs, the label should state the proportions of the various ingredients in a mixture, *Robinson* 7196–7201.

Suggestion of the joint conference of London vestries, that the label shall describe the contents of the package, and in the case of a mixture, name the proportions of the ingredients therein; the greatest in bulk being put first; personal opinion of witness that it is not absolutely necessary to give the percentages of the ingredients, *Egerton* 7555. 7594–7599. 7663–7670.

See also *BUTTER. COCOA. COFFEE. MARGARINE*, 7. *Mixtures.*

Lane, Henry Arthur. (Analysis of his Evidence).—Witness, who is connected with the provision trade, appears on behalf of the London Chamber of Commerce, 4327–4330.

Experience of witness that there is not any great adulteration of lard at the present time; statement that lard adulterated with cotton-seed oil or beef stearine is usually sold as a mixture at a lower price than pure lard, 4331–4345 —— Decided opinion that dishonest retailers selling adulterated lard as the genuine article should be punished severely, imprisonment being inflicted after repeated offences, 4346–4351.

Evidence to the effect that the larger English lard refiners use the raw material as imported from America and refine it, the result being inferior to pure English lard, 4352–4359. 4391–4396 —— Impossibility of ascertaining from its physical characteristics whether a sample of lard is pure or not; practice of witness to buy lard on a guarantee of purity and to give a similar guarantee when selling it, 4360–4385. 4397–4402 —— Doubt as to lard adulterated with cotton-seed oil being injurious to the public, 4369–4373. 4386–4390.

LARD:

1. *As to the Manufacture and Constituents of Lard used in the English Market, and as to the extent of Adulteration.*
2. *American Lard.*
3. *Penalties and Prosecutions for Adulteration.*

1. *As to the Manufacture and Constituents of Lard used in the English Market, and as to the extent of Adulteration:*

Great difficulty in making merchantable lard in hot weather without the addition of a little stearine, *Thompson* 1071–1073 —— Disapproval of any proposal to allow English manufacturers of bladder-lard to introduce a small percentage of beef-fat so as to give the requisite solidity to the lard, *Trengrouse* 4323–4326.

Experience of witness that there is not any great adulteration of lard at the present time; lard adulterated with cotton-seed oil or beef stearine is usually sold as a mixture at a lower price than pure lard, *Lane* 4331–4345 —— Impossibility of ascertaining from its physical characteristics whether a sample of lard is pure or not; practice of witness to buy lard on a guarantee of purity and to give a similar guarantee when selling it, *ib.*, 4360–4385. 4397–4402. —— Doubt as to lard adulterated with cotton-seed oil being injurious to the public, *ib.* 4369–4373. 4386–4390.

LARD—continued.

1. *As to the Manufacture and Constituents, &c.*—continued.

Evidence to the effect that lard is made from the inside fat of the pig, that from just around the ribs and the kidneys being the best; explanation that the fat is simply melted and put into bladders or tins for market, no addition of anything nor refining being required, *Harris* 4406–4422. 4457–4469. 4502–4504——Statement that the lard made by witness' firm sells for a slightly higher price than Irish lard, but that the price is now a very unprofitable one on account of American competition, cheap butter, margarine, &c., *ib.* 4423–4428. 4439–4450. 4470 *et seq.*; 4498–4507. 4533, 4534——Certainty that the lard made by the English and Irish curers is absolutely pure and that nothing is done to it which impairs its quality, *ib.* 4474 *et seq.*

Resolution passed by the Manchester Chamber that it ought to be lawful to use 5 per cent. of beef-suet stearine in lard for stiffening purposes for six months in each year; personal opinion of witness that it ought to be lawful to use stearine all the year round, as it is found to be impossible to dispense with it even in winter, *Kilvert* 5021 *et seq.*——Statement that 5 per cent. of stearine would be a nutritious and non-injurious addition that would make the lard useful for domestic purposes; disbelief that this addition would encourage adulteration of lard with other oils, *ib.* 5026–5036——Contention that Clause 6, Sub-section 1, of the Sale of Food and Drugs Act permits the addition to lard of such a substance as beef stearine; belief that adding lard stearine would be in opposition to Clause 9 of the Act, *ib.* 5064 *et seq.*

Experience of witness that beef-suet stearine is the best substance to add to lard, as it is cheap, pure, and has a high melting point, *Kilvert* 5079–5086—— Evidence to the effect that in order to avoid prosecutions the adding of beef stearine to lard has been discontinued, lard stearine being used instead; certainty that the addition of the latter damages the lard, *ib.* 5085 *et seq.*; 5166, 5167, 5239 *et seq.*——No doubt that the use of lard stearine in lieu of beef stearine does increase the price of the lard; impossibility of making price a criterion in the present low state of the market, *ib.* 5090–5099.

Objection of the analysts to the addition of beef-suet stearine to lard on the ground that it is difficult to detect, and that the public do not get what they ask for; disagreement of witness with the analysts on both these points, *Kilvert* 5100 *et seq.*—— Disapproval of the proposal that lard with beef stearine added should be sold as a mixture, there being lardine, cotolene, and other compounds on the market as mixtures, some of which do not contain even 10 per cent. of lard; unfairness of any proposal that puts a genuine article into competition with these products, *ib.* 5104–5106. 5174–5188. 5253–5255. 5284, 5285——Grounds for the opinion that the crusade against beef-suet stearine was entirely in the interests of American lard manufacturers, *ib.* 5107–5112. 5189–5198.

Experience of witness that the use of beef stearine, which was employed for many years, was a distinct advantage in the manufacture of lard; decided opinion that the discontinuance of the former article in consequence of the ruling that it was an infringement of the Sale of Food and Drugs Act is prejudicial alike to trade interests and to the public, *Irven* 5298–5310.

Agreement of witness generally with the views of Mr. Kilvert as to the advisability of adding beef-suet stearine to American lard for stiffening purposes; contention that lard refined with beef stearine is of the same nature, substance, and quality as lard refined with lard stearine, *Irven* 5311–5331.

2. *American Lard:*

Belief that the lard sold in London, which is chiefly of American manufacture, is absolutely pure; failure of a prosecution in regard to the Armour Packing Company's lard for alleged adulteration, *Trengrouse* 4230–4240. 4317–4322——Information as to the package in which the various kinds of lard appear on the market, the American chiefly coming in wooden pails, while the English is either in zinc pails or bladders; importation of raw lard from America in tierces, *ib.* 4254–4273.

Opinion that much of the various kinds of adulterated lard come from the United States, *Trengrouse* 4282–4285. 4309–4311—— Statistics as to the importation of lard into the United Kingdom, showing that nine-tenths of the total quantity comes from America, *ib.* 4285, 4286——Evidence to the effect that the larger English lard refiners use the raw material as imported from America, and refine it, the result being inferior to pure English lard, *ib.* 4352–4359. 4391–4396.

Unfairness of the American competition in putting an article on the English market that contains cotton-seed oil and stearine; non-objection to the sale of this adulterated lard if it be sold honestly as a mixture, *Harris* 4451–4456——Belief that American pigs produce a soft, oily lard that requires refining or stiffening, *ib.* 4457–4469. 4514–4519.

Necessity of adding stearine to American lard, which is of about the consistency of cream, in order to make it fit for market; fluidity of American lard due to the manner in which the pigs are fed, *Kilvert* 5037 *et seq.*; 5150, 5151, 5226 *et seq.*——Explanation

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LARD—continued.

2. *American Lard*—continued.

that American lard has to be imported because there is not sufficient English lard produced to meet the public demand, *Kilvert* 5043–5051. 5174 *et seq.*; 5217 *et seq.*—— View of witness that it is better that the refining of American lard should be done in this country than in America, as there are many trades dependent on the lard-refining industry, and the public get the lard in a fresher condition, *ib.* 5113–5118.

3. *Penalties and Prosecutions for Adulteration:*

Decided opinion that dishonest retailers selling adulterated lard as the genuine article should be punished severely, imprisonment being inflicted after repeated offences, *Lane* 4346–4351——Difficulty, due to defects in the law, experienced by the Bacon Curers' Association of England in obtaining convictions in connection with the adulteration of lard, *Harris* 4429–4438—— Suggestion that, in order that the public may not be defrauded, every bladder, tin, and pail should be stamped in some descriptive manner in order to show the exact kind of lard it contains, *ib.* 4482–4514. 4541–4544.

Particulars or cases in which retailers supplied with lard by witness' firm at Manchester were unsuccessfully prosecuted during the past year for selling lard alleged to be adulterated; defence of these retailers by witness' firm, in accordance with their invariable practice, at a cost of 425 *l.*, the total cost allowed amounting to only 15 *l.*; *Kilvert* 5139–5148. 5161–5167. 5199 *et seq.*; 5262–5273.

Lardine. Belief that lardine consists of lard and cotton-seed oil, and possibly beef fat; statement hereon that lardine has been practically driven out of the market, *Trengrouse* 4274–4282. 4312 *et seq.*

Leckie, Alexander. (Analysis of his Evidence.)—Witness has been connected for over eleven years with the proprietors of Van Houten's cocoa; has been asked by the London Chamber of Commerce to give evidence on the subject of cocoa, 5332, 5333.

Importation of about 2,500,000 lbs. of manufactured cocoa into this country annually, the bulk of it coming from Holland; statement that more than half of the total quantity of cocoa and chocolate imported comes in the form of Van Houten's cocoa, 5334 *et seq.* —— Explanation that the late Mr. Van Houten invented a process whereby cocoa was made more soluble without any addition of arrowroot and sugar, and that the firm has used this process for about sixty-seven years, 5338–5346. 5438–5444.

Evidence to the effect that in 1828 the Dutch Government gave Mr. Van Houten the exclusive right for ten years to manufacture pure cocoa powder, 5342–5346 ——Opinion that the extraction of some of the fat increases the solubility of the cocoa and is an improvement from the dietetic point of view; absolute necessity of manufacturing cocoa in some way before it can be consumed with advantage, 5347 *et seq.*

Contention that the cocoa powder, as generally sold, possesses the nutritive qualities of the cocoa bean, and that the public are not deceived when purchasing it, 5356 *et seq.*; 5422–5437—— Disapproval of the suggestion that admixtures of cocoa, with a small percentage of sugar and farinaceous matter, should be sold simply as cocoa with the proportions of the ingredients declared on the label, 5359.

Objection to the proposal to use the words "cocoaine," "chocolate powder," &c., in the case of admixture of more than a certain percentage of foreign ingredients; sufficiency of the present Act so far as the definitions of cocoa and cocoa mixtures are concerned, 5360–5363. 5430–5437. 5445 *et seq.* —— Desirability of the invoice being made a warranty under the Act, especially in the case of all proprietary articles and packed foods, 5364. 5436, 5437. 5451–5454. —— Statement that no actions have ever been brought against witness as the representative of Van Houten, nor against the retailers of Van Houten's cocoa in England, Germany, or Belgium; particulars of an unsuccessful prosecution in Paris, 5365–5367. 5395–5421.

Grounds for strongly objecting to the suggestion that it should be an offence to add alkali to cocoa, whether such addition be declared or not; assertion that all manufactured cocoa powder, except that treated with starch and sugar, contains an increased amount of mineral matter, 5368 *et seq.* —— Denial of the statement that the Dutch process of making cocoa powder is objectionable and results in the formation of a soap; letter from Dr. Ringer handed in to the effect that a certain passage quoted from his book had no reference to Van Houten's cocoa, 5383 *et seq.*; 5451–5454.

Belief that there is practically no injurious adulteration of cocoa in this country, 5448–5450 —— Increased consumption of cocoa on the Continent during the last twenty years, 5455.

Ling, Thomas Pratt. (Analysis of his Evidence.)—Witness represents the Trade Section of the London Chamber of Commerce; has had much practical experience in the retail trade in butter and margarine, 3718, 3719.

Conclusion that it is a mistake to allow margarine to be packed in baskets or other packages admitting of detachable labels, and that the word "margarine" ought to be branded on the package, 3720–3725. 3838–3840 ——Non-objection of witness personally to

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to mixtures of butter and margarine, provided that they are sold as mixtures; opinion that three articles should be permitted to be sold, namely, pure butter, mixtures, and margarine, 3726-3732.

Grounds for the recommendation that any assistant selling margarine as butter should, as well as his employer, be made liable to prosecution, 3733, 3734, 3789 *et seq.*—— Contention that imprisonment would be too hard a penalty for the third offence, and would cause serious injustice; reference hereon to the submission by witness of a copy of the printed set of instructions which he issued to his assistants on the passing of the Margarine Act in 1888; 3735 *et seq.*; 3799-3804.

Experience of witness that the magistrates give undue weight to the plea of accident in prosecutions for the sale of mixtures as pure butter, 3744-3749 —— Proposal that, with a view to stopping fraudulent sales of mixtures as butter, a central authority should be established to which the public could go, and, on depositing 5*l.*, have the right to instruct the police to take a sample for analysis, the deposit being returned and the tradesman prosecuted if the sample proved to be adulterated, and the deposit forfeited if the sample proved to be pure, 3750 *et seq.*; 3819-3824, 3848, 3849.

Explanation that witness' proposal as to a central authority is made with a view to getting an additional protection to the butter trade against dishonest competition, the present system under the vestries being very inefficient, 3753 *et seq.*—— Belief that in some cases the inspectors are open to being bribed; desirability of a heavy penalty being imposed in all cases where there is any difficulty or obstruction in taking samples, 3759 *et seq.*; 3805-3828, 3834-3837.

Opinion that the public should have the right to take samples for analysis, apart from those taken by public officials, so that any society for maintaining the purity of food might institute prosecutions if necessary; desirability of lessening the cost of prosecutions, 3773-3783, 3845-3847 —— Decided objection on the part of the public to the word "margarine" on the wrappers in which margarine is sold; preference of witness, however, that this wrapper should be used rather than that a verbal declaration should be made, 3784-3788, 3829-3833, 3841-3844.

Liquorice. Prejudicial effect on the pure liquorice trade of the importation of large quantities of heavily adulterated French liquorice; contention that the public ought to get pure liquorice at a confectioner's as well as at a chemist's shop, *Rogers* 5902-5905.

Evidence in support of the opinion that liquorice is very largely adulterated, principally with farina, rice, starch, sago, flour, millers' sweepings mixed with sugar, and other farinaceous substances; no doubt that this adulteration deprives liquorice of its medicinal qualities, and induces the presence of weevils and maggots, *Forster* 6227 *et seq.*; 6276-6279—— Complaint that although the adulterated liquorice contains only a small proportion of liquorice, the manufacturers are permitted to sell it as liquorice; suggestion that it should be sold as a compound or mixture, *ib.* 6240-6252.

Liverpool. See *BUTTER. CHEESE. MARGARINE.*

Local Authorities. See *BUTTER. Fines and Penalties. Inspection. MARGARINE. Prosecutions.*

Local Government Board. Recommendation that there should be a committee of reference under the Local Government Board, who should consider and settle all technical questions in connection with the adulteration of food; suggestion as to the composition of this committee, *Giles* 7052-7063, 7115-7117, 7123-7126.

London Chamber of Commerce. Appointment by the London Chamber of Commerce of a committee to collect evidence to lay before the present Select Committee; resolutions of the Chamber to the effect that the Adulteration Acts should be extended to all wholesale sales, that the definition of goods should include all articles used in the preparation of foods and drinks, and that the Government should create a fully equipped central analytical department, *Rogers* 5927-5929, 6161, 6162.

Difference of opinion in the Chamber as to coffee, cocoa, and other mixtures, the trade section dealing with coffee and cocoa not being desirous of any change in the law, while the general committee holds that the law as to admixtures and their declaration to the purchasers requires to be greatly strengthened, *Rogers* 5929.

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Lovell, John Carey. (Analysis of his Evidence.)—Witness is a partner in the firm of Lovell and Christmas, of London and Manchester, importers of butter from all parts of the world, and has had a long experience of the provision trade; represents the trade section of the London Chamber of Commerce and the London Butter Association, 1-32 —— Copy handed in of a resolution of the Provision Trade Section of the London Chamber of Commerce appointing certain persons, of whom witness is one, to represent the butter interest, 4-6.

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British markets, there being a tremendous glut of it at the present time; this is a fine butter at a low price, and is coming into general favour, 235-244. 267 *et seq.*; 342-344.

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Lubbock, Nevile. (Analysis of his Evidence.)—Witness is chairman of the West India Committee and manager of the Colonial Company, Limited, 7452-7457.

Evidence to the effect that Demerara and Trinidad sugar has, by virtue of its good qualities, gained a reputation in the market, and, as it is mainly known by its appearance, inferior sugars are made in imitation of it, 7458 *et seq.*; 7530 *et seq.*—— Contention that any attempt to pass off upon the purchaser a beetroot sugar, coloured with aniline dye, as Demerara cane sugar is a fraud, so far as the difference in money value is concerned, 7476 *et seq.*; 7503 *et seq.*

No doubt that the imitation of Demerara sugar is an infringement of the Merchandise Marks Act; obstacles, however, to getting a conviction under that Act, 7487 *et seq.*; 7516 *et seq.*——Opinion that the dyed sugars are not injurious to health, the aniline dyes being quite harmless, 7488, 7489. 7511.

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Conflicting opinions given in the test case at Manchester by the analysts in regard to the effect of temperature on moisture in butter; evidence in support of the conclusion that the higher the temperature the more moisture there will be in the butter, *P. Hickey* 690–723. 885–899——Statement that notwithstanding that a conviction was obtained against a wholesale house in Manchester about a year ago in connection with the sale of Hamburg factory butter, that kind of butter is still going into Manchester, branded "guaranteed pure," although a very large number of houses have ceased selling it, *ib* 772–777. 851–854. 918.

Suggestions of the Manchester Chamber of Commerce for the amendment of the Sale of Food and Drugs Act, 1875; *Kilvert* 5119 *et seq.*

Evidence to the effect that, in consequence of complaints in the Manchester district of the fraudulent sale of margarine, the local Grocers' Association formed a vigilance committee to detect the frauds, *Williams* 6711–6716——Attention drawn to the fact that while the Manchester authorities were prosecuting a member of the Grocers' Association for water in butter they overlooked the margarine frauds, *ib.* 6716, 6717.

Particulars of a prosecution for water in butter, the result being that the defendant was fined 5*l.* and 5*s.* costs; difficulties of the retailer, the water not being visible in butter even to an experienced eye, *Williams* 6718, 6719——Qualified success of the vigilance committee in punishing retailers for selling margarine as Irish lump butter, the two proved cases being let off with a 10*s.* fine and costs, and the association having in the third case to pay 5*l.* costs for failing to secure a conviction, *ib.* 6720 *et seq.*

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MARGARINE:

1. *Generally as to the mixture of Margarine with Butter, the injury thereby to the Butter Trade, and the Fraud upon the Public.*
2. *Suggestions on the subject of Prosecutions and Penalties.*
3. *Inspection.*
4. *Question of Margarine Dealers being Licensed.*
5. *Question of separate Shops, or separate Counters in Shops, for the Sale of Margarine and Butter.*
6. *Colouring.*
7. *Packages and Labels.*
8. *Customs' Regulations and Restrictions.*
9. *Denmark.*
10. *France.*
11. *Evidence as to the Wholesomeness and Usefulness of Margarine as an Article of Food, as to its Cheapness, and as to the inexpediency of any undue Restrictions upon its Sale.*
12. *Other Details and Suggestions generally.*

1. *Generally as to the mixture of Margarine with Butter, the injury thereby to the Butter Trade, and the Fraud upon the Public:*

Strong objections to mixtures of margarine and butter being extensively sold as butter, to the great injury of the butter trade, though margarine is doubtless a good article of food and its honest sale should not be prohibited, *Lovell* 36–50. 190–220. 249–252. 319 *et seq.*; 345–360. 387–390; *Dale* 2563–2569; *Clement* 2807–2829. 2914–2934. 2945 *et seq.*——Attention drawn to the fact that margarine manufacturers prepare a special quality of margarine for mixing with butter, *Lovell* 58–65——Calculation that 10 per cent. of margarine added to butter enables the French dealer to put the mixture on the London market at less than the cost of pure butter in the Normandy market, thus rendering it impossible for a pure butter merchant to compete with it, *ib.* 122, 123——Extremely prejudicial effect of the sale of margarine as butter on the butter industry of every country, particularly on that of Ireland; statement that the lowest retailers are cruelly injured by the sale of illegal mixtures of butter and margarine, *ib.* 151–167. 377, 378. 396–401.

Decided objection to the mixture of margarine with butter, because it is a fraud on the public and an injury to the producers of the pure article; very large profit gained by the manufacturers and vendors of this spurious butter, *Hudson* 1263–1272. 1342–1350. 1425 *et seq.*; 1464–1469——Contention that adulterations of butter with only 5 or 6 per cent. of magarine can be detected by expert analysts, *ib.* 1339–1341. 1574–1582——Experience of witness that only a very small percentage or margarine is sold for casking purposes, *ib.* 1544–1557.

Evidence in support of the conclusion that a very small amount of margarine can be detected in butter; *resumé* of the experiments made by Professor Stein with various oils, *Faber* 1686–1697. 1746–1750. 1776–1789——Objection to the mixture of margarine and butter, as it is a fraud and detrimental to the honest butter producer, *Stokes* 2036–2040——Opinion that the law as it stands and as it is administered is not a sufficient protection to the manufacturer, retailer, or consumer of pure butter, the honest retailer being undersold by competitors who sell margarine and mixture of margarine as butter and pure butter, *Dunn* 2277. 2357 *et seq.*

Enormous and increasing importation into this country of mixtures containing 15 to 25 per cent. of margarine and 20 to 25 per cent. of water, under a guarantee of being pure butter; failure of prosecutions for selling these mixtures, as the retailers are protected by the importers' guarantees, *Clement* 2830 *et seq.*; 2901–2910. 2970–2973. 2984–2987——Belief that the margarine sold as Irish lump butter is flavoured in England and sent to Ireland, whence it is imported in the ordinary way of trade as the genuine article; evidence showing the great extent to which this fraud is carried on, *Williams* 6738 *et seq.*

2. *Suggestions on the subject of Prosecutions and Penalties:*

Formation of the London Butter Association by the principal butter importers to protect themselves against the illegal sale of margarine in shops in London and the provinces; contention that the association is undertaking work that ought to be carried out by the local authorities, *Lovell* 132–137. 334, 335——Advisability of prohibiting the manufacture of butter and margarine on the same premises, *P. Hickey* 779, 780. 916, 917——Personal opinion of witness that persons selling margarine as butter should be imprisoned on being convicted for the third time, *ib.* 781–785. 911.

Explanation that witness is in favour of the law being made very stringent in regard to the adulteration of butter, because an honest dealer is entirely handicapped at present, and the unscrupulous retailers make an enormous profit, the latter persisting in selling margarine as butter although heavily fined for doing so, *P. Hickey* 789 *et seq.*; 872–875. 925 *et seq.*——Suggestion that the law should be so carried out as to

MARGARINE—continued.

2. *Suggestions on the subject of Prosecutions and Penalties*— continued.

enable an ignorant person on going into a shop to recognise margarine at once, *P. Hickey* 795, 796. 809–826.

Opinion that all the prosecutions for margarining butter should be taken under the Margarine Act, not under the Sale of Food and Drugs Act; grounds of objection to imprisonment as a penalty, *Thompson* 1017, 1018. 1100–1117. 1152, 1153. 1189–1196. 1214–1240——Insufficiency of the present law as a deterrent of the fraud of margarining butter; recommendation that the fines should be much heavier with imprisonment on a third conviction, the Sale of Food and Drugs Act being amended so as to secure the actual offender, *Hudson* 1273 *et seq.*; 1346–1350. 1418–1424. 1502–1505——The mixing of margarine with butter should be absolutely prohibited under the strongest penalties, *ib.* 1326–1330. 1346–1350. 1358–1367. 1512–1526.

Advocacy of a more vigorous administration of the law, together with a considerable increase in the amount of the fines; the maximum fine on the third conviction should be 500*l.* or more, as the magistrates would probably be unwilling to imprison, *Dunn* 2278–2284. 2339–2343. 2357 *et seq.*——Sufficiency of the restrictions under the Act of 1887 if efficiently administered for the prevention of the sale of margarine as butter; approval, however, of heavier fines, but not of imprisonment, *Hamilton* 3023, 3024. 3031–3039. 3069–3078. 3108–3112.

Sufficiency of the present Act, if properly enforced, for the prevention of fraud, *Van Der Bergh*, 3360–3364. 3452–3464. 3470——Conclusion as to the present fines being sufficiently heavy, *Van Der Bergh* 3371–3376. 3455–3464; *McCallum* 3564. 3567——Concurrence in the opinion that the existing law, if thoroughly enforced, is sufficient to put down fraudulent practices, *Van Der Bergh* 3465–3473; *McCallum* 3563–3566. 3589–3592. 3620; *Watson* 4048, 4049. 4106——Decided objection to imprisonment as a punishment for adulteration, *McCallum* 3565. 3567.

Grounds for the contention that imprisonment would be too hard a penalty for the third offence and would cause serious injustice; reference hereon to the submission by witness of a copy of the printed set of instructions which he issued to his assistants on the passing of the Margarine Act in 1888, *Ling* 3735 *et seq.*; 3799–3804——Argument that retailers of margarine should not be prosecuted nor liable to imprisonment under the Sale of Food and Drugs Act when they supply margarine properly and distinctly labelled, *Watson* 4039–4050. 4104–4106. 4124, 4125.

Preference of witness that any action taken by the inspector in regard to margarine should be under the Margarine Act only, the present arrangement by which proceedings can be taken under the two Acts being vexatious, and contrary to the intention of Parliament, Sir *W. Pink* 6610–6613——Agreement with the proposal that a person selling margarine for butter should be imprisoned for the third offence, *ib.* 6636 *et seq.*

Opinion that the fines imposed in proved cases of fraud are totally inadequate; disapproval, however, of the fines being increased or imprisonment imposed under the present law, as it is impossible to ascertain in some cases whether the sale of margarine as butter is due to fraud or accident, *Williams* 6727–6731. 6825–6828——Recommendation that manufacturers, merchants, and dealers shall be subject to a penalty if they have margarine on their premises in any other form than brick-shaped pieces of a pound and half-a-pound each, duly labelled "margarine," excepting quantities of less than eight ounces; uncertainty of colouring as a means of identification, *ib.* 6732–6735. 6789–6796. 6821–6830——Complaint of the inequality in the incidence of the fines for the sale of margarine as butter, the poor shopkeepers being fined sums that mean ruin to them, while the men who are conducting the fraud on a large and profitable scale escape with comparatively nominal fines, *ib.* 6736–6738. 6745–6750.

Contention that all prosecutions in connection with margarine should be taken under the Margarine Act, as a shopkeeper is liable to be convicted under the Sale of Food and Drugs Act for selling margarine when butter is asked for, although the customer wants margarine, *Dunlop* 6959–6962——Recommendation that it should be left to the discretion of the magistrate as to whether a grocer fraudulently selling margarine as butter should be punished by a fine or imprisonment, *ib.* 6963–6968.

Contention that the use of the word "margarine" should be a sufficient protection against conviction for the sale of butter mixtures, or else that all prosecutions for the sale of such mixtures should be taken under the Margarine Act; request that until the law can be altered an order may be issued to the local sanitary authorities on the subject, *Giles* 7033. 7064–7072. 7142–7149——Unanimous opinion of the Metropolitan Grocers and Provision Dealers' Association that the Margarine Act is sufficient for the prevention of fraud; laxity, however, by local authorities in carrying it out, *ib.* 7107 *et seq.*; 7119–7122——Proposal that prosecutions should not be taken under the Sale of Food and Drugs Act when the Margarine Act can be used; complaint that there have been numerous convictions under the former Act in cases where margarine has been sold in paper, with "margarine" printed on it, because a verbal declaration was not made also, *Wilson* 7329–7338. 7343–7350. 7372–7399. 7413–7448.

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2. *Suggestions on the subject of Prosecutions and Penalties*—continued.

List of cases in which prosecutions for the sale of margarine have been brought under the Sale of Food and Drugs Act, when the Margarine Act has been complied with, *App.* 395.

3. *Inspection:*

Belief that if inspectors of larger areas, or central inspectors, were appointed under the Margarine Act in England, they would find a willing co-operation on the part of the trade, *Faber* 1670, 1671——Recommendation that the inspection under the present Margarine Act should be extended to factories and stores, *ib.* 1675, 1676.

Resolution passed by the Cork Market Trustees that a Government inspector should be empowered to inspect all premises where margarine is manufactured or held in stock, and to prosecute where palpable fraud is discovered, *Dunn* 2288, 2289——Necessity of enlarged powers being given to officials and inspectors in order that margarine and butter factories, warehouses, shops, hotels, &c., may be constantly inspected; advisability of prohibiting the manufacture of margarine and butter in the same factory, *Dale* 2586–2597. 2640–2642.

Opinion that there would be very little fraud if the Margarine Act were enforced and the inspection better; conclusion that there is no necessity for the inspectors to visit hotels, unless it be made compulsory for hotel keepers to give their customers butter, *Clement* 2816–2821. 2895–2900. 2991–2996——Efficiency and integrity of the local inspection of margarine shops, *Watson* 4083–4086. 4090. 4109, 4110.

4. *Question of Margarine Dealers being Licensed:*

Suggestion that everyone who deals in margarine, including the manufacturer, should be licensed, the licenses being free; certainty that there are a number of persons in London who are known to buy margarine, but not to sell it, *Lovell* 71–81——Disagreement with the proposal to license dealers in margarine, as there could be no public advantage in it, *Thompson* 1019–1028. 1150, 1151.

Approval of the proposal to license sellers of margarine, the fact that they were licensed to be notified over the doorway of the shop, or in some conspicuous position, *Hudson* 1310–1312. 1330. 1368–1372; *Dunn* 2296–2299. 2349, 2350. 2361–2363; *Dale* 2577–2581——Concurrence in the opinion that every dealer in margarine should have a license, *O'Sullivan* 2785.

5. *Question of separate Shops, or separate Counters in Shops, for the Sale of Margarine and Butter:*

Opinion that margarine and butter should be allowed to be sold in the same shop; probability that sale in separate establishments would result in the reduction of the sale of margarine, and an advantage to the dairy producers, *Hudson* 1279–1312. 1373. 1392. 1440–1447——Advisability of margarine and butter being sold at separate counters where possible, *O'Sullivan* 2789–2792——Approval of the sale of butter and margarine in the same shop, without separate counters being required, *Hamilton* 3092–3094. 3166–3172. 3213–3219——Grounds for objecting to any provision that margarine and butter should be sold in separate shops, and that margarine retailers should be licensed, *Van Der Bergh* 3350–3376. 3480–3486. 3521–3526.

Impracticability of limiting the sale of margarine to separate shops, *McCallum* 3567–3570——Separate counter in the shops of the Maypole Dairy Company for the sale of margarine, *Watson* 4062. 4066–4070. 4111–4115——Inconvenience of separate counters for margarine in small shops; advantage in so far as the public would gradually learn to appreciate the article more and more, *ib.* 4107. 4111–4118. 4130, 4131.

6. *Colouring:*

Decided objection to the proposal that all margarine shall be coloured to a certain hue, as such a course would ruin the trade; disapproval, on the other hand, of any prohibition of the colouring of margarine, *Lovell* 82, 83. 221–234. 253, 254. 380.

Divided opinion in the trade in Manchester as to the colouring of margarine; recommendation that colouring should be prohibited so as to make the mixing of margarine with butter illegal, *P. Hickey* 785–788. 802–806. 845–867. 904–912. 934–961——View of witness that butter makers and margarine makers should be allowed to colour their produce according to their several requirements; statement that fifteen members of the Produce Section of the Manchester Chamber of Commerce are in favour of colouring margarine, and nine against it, *Thompson* 1086–1088. 1118–1129. 1154–1185. 1218–1237——Contention that the manufacturers of margarine should be allowed to colour their produce in any way they please; opinion that the prohibition of colouring would immensely interfere with the sale of margarine, *Hudson* 1313–1316. 1459, 1460. 1497–1501. 1544–1573.

Resolution passed by the South of Ireland Butter Merchants' Association against colouring margarine, as being conducive to fraud, *W. L. Stokes* 2034–2040——Resolutions passed by the South of Ireland Butter Merchants' Association to the effect that,

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6. *Colouring*—continued.

while there was no objection to the legitimate sale of margarine, the colouring of margarine to imitate butter and the mixture of margarine with butter should be prohibited; desirability, moreover, of margarine being sold in specially shaped packages only, *R. Hickey* 2225, 2226——Resolution recently passed by the Cork Butter Market Trustees against the colouring of margarine, so that it shall not simulate real butter, *Dunn* 2285–2288. 2344–2353. 2506–2508.

Feeling of witness that the colouring of margarine to look like butter should, under certain conditions, be prohibited; no doubt that uncoloured margarine could be made to look like inferior butter by using a high colouring milk, *Dale* 3604–2628. 2662 *et seq.*; 2682–2689——Objection to margarine being coloured to represent butter, *O'Sullivan* 2755–2758.

Approval of margarine being coloured to make it attractive to the consumer, fraud not being intended, *Clement* 2881–2884. 2925–2944. 2963–2969; *Dunlop* 7010–7026——Objections to any restrictions upon the colouring of margarine, as such restrictions would be injurious or distasteful to the working classes; there are no similar restrictions respecting butter, sugar, &c., *Hamilton* 3045–3052. 3113–3115. 3138–3151. 3155–3157. 3180. 3197–3210. 3220–3251.

Varying colour of margarine accordingly whether it is made in summer or winter; artificial colouring in order to please the taste of the consumers, *Van Der Burgh* 3289–3295. 3447–3449. 3474–3479——Explanation that margarine is coloured in order to make it attractive to the public, and not with the view of imitating butter and deceiving the consumers; strong objection to colouring being prohibited, as the trade would be killed thereby, *ib.* 3331–3337. 3447–3449. 3465–3470. 3474–3479. 3492–3498——Use of annatto for the colouring of margarine; way in which applied, *ib.* 3387, 3388. 3439–3442. 3447–3449.

Success of the margarine trade largely due to the colour resembling butter; strong objection to colouring being prohibited, or some different colour being prescribed, as it would ruin the trade, *McCallum* 3548–3550. 3558, 3559. 3567. 3630, 3631. 3673–3680. 3707–3710——Expediency of the trade having full permission to colour margarine in order to suit the public taste; denial that it is coloured in order to imitate butter, *Watson* 4056–4058. 4162–4169. 4187–4196——Disapproval of the suggestion that margarine should be coloured with some distinctive colour, *Jennings* 6906–6913.

7. *Packages and Labels:*

Disapproval of the practice of margarine manufacturers to pack their margarine in every well-known butter package, a list showing the cost of the various forms of such packages being handed in; suggestion that margarine should be packed and shipped in a wooden package of uniform shape, *Lovell* 110–119. 312–314. 338–341. 381–386. 402–405——Contention that the Customs' authorities have not complied with Section 6 of the Act in passing margarine in butter packages with the word "margarine" on labels that can easily be removed, *ib.* 119–121. 315——Inability of witness to see how the prohibition of the use of butter packages for margarine would check fraud; conviction that the present Act, if properly enforced, would prevent fraud, *Thompson* 997 *et seq.*; 1097–1102. 1211 *et seq.*——Desirability of margarine being kept in wooden cases of a particular shape, with the word "margarine" indelibly stamped on them, *Hudson* 1304–1306. 1334–1338. 1515–1518. 1558–1564.

Expediency of the adoption in England of the Danish provision that there shall be a specially-shaped and marked receptacle for margarine, and that the margarine shall always remain in the prescribed receptacle, *Faber* 1672–1674——Considerable trade in empty Irish butter firkins, until a few years since, between the Limerick coopers and Rotterdam and some Austrian ports; impression that the firkins were imported there for the purpose of being filled with margarine, *R. Hickey* 2227–2236——Agreement with the proposal that margarine should only be sold in a specially-shaped firkin, and that small quantities should only be sold in a particular paper with "margarine" in large letters on it, *Dunn* 2442–2444.

Approval of margarine being put up in packages of a special shape indelibly branded; uselessness of labels that can be easily removed, *Dale* 2574–2577——Recommendation that the word "margarine" on the wrappers used in the retail sale of margarine should be in conspicuous black letters on a white ground, *ib.* 2636–2639. 2690, 2691——Desirability of all margarine and mixtures being packed in one distinct kind of package, such as square or oblong boxes, uniform in appearance, and being sold by retailers in a distinctly coloured wrapper, *Clement* 2816–2818. 3002.

Questionable advantage of any restrictions providing for the compulsory use of specially-shaped packages, *Hamilton* 3053–3057. 3133–3137——Approval of a restriction upon the removal of labels from the packages, *ib.* 3058–3060——Production by witness' firm of 33,000 tons of margarine yearly, all of which is invoiced as "margarine," the baskets or packages being also labelled or stencilled with the word "margarine," *Van Der Bergh*

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7. *Packages and Labels*—continued.

Der Bergh 3266–3282. 3377–3380——Grounds for objecting to any restrictions as to the form of package, *McCallum* 3566–3567.

Conclusion that it is a mistake to allow margarine to be placed in baskets or other packages admitting of detachable labels, and that the word "margarine" ought to be branded on the package, *Ling* 3720–3725. 3838–3840——Decided objection on the part of the public to the word "margarine" on the wrappers in which margarine is sold; preference of witness, however, that this wrapper should be used rather than that a verbal declaration should be made, *ib.* 3784–3788. 3829–3833. 3841–3844.

Suggestion that the word "margarine" be printed in very large letters on the paper in which the margarine is wrapped, but that it be permissible to put some brown paper round it as generally desired by the customers, *Watson* 4043–4045. 4049, 4050—— Approval of specially-shaped boxes properly branded, in which margarine should be packed; objection to packages or boxes of less than 7 lbs., *ib.* 4059–4061. 4087–4089. 4121–4123. 4132–4136.

Recommendation that margarine should always be sent out in special-shaped tubs, indelibly labelled; disapproval of labels that can easily be removed, *Jennings* 6886–6895. 6918–6920——Concurrence in the suggestion that margarine should always be sent out in a special kind of butt, *Dunlop* 6969–6976.

8. *Customs' Regulations and Restrictions:*

Grounds for the opinion that the Customs authorities have entirely failed to carry out Section 8 of the Margarine Act, 1887, which enables them to take samples of butter in transit; instances of the great difficulty experienced in getting the authorities to move in the matter, *Lovell* 84–97. 108, 109. 125–127. 255–257——Details as to some of the convictions for adulterating butter which witness' firm has been instrumental in obtaining in France, after it was found to be hopeless to expect any assistance from the Customs authorities here; certainty that all these frauds could have been detected at the port of entry if the Custom officers had done their duty, *ib.* 124–131. 325, 326——Recommendation that the Act of 1887 should be strengthened so as to compel the Custom House to periodically take samples of all produce invoiced as butter, *ib.* 298–305.

Failure of the attempts of the Manchester butter merchants to induce the Customs to use the powers they possess under the Margarine Act, *P. Hickey* 771—— Certainty that a great deal of mixed margarine and butter comes to this country as butter, witness considering that the Customs ought to interfere more than they do at the port of entry, *Hudson* 1331–1333. 1410–1417. 1540–1543——Approval of amended Custom House regulations as to examining butter and margarine at the port of entry, *Hamilton* 3181.

9. *Denmark:*

Information as to the steps taken in Denmark to prevent the substitution of margarine for butter, Margarine Acts having been passed in 1885, 1888, and 1891, *Faber* 1600 *et seq.*; 1790, 1791. 1815–1821. 1866——Statement that the requirement that margarine shall always be kept in certain shaped packages and marked with a certain mark has been very effective, *ib.* 1601, 1602——Special inspectors appointed by the Government to look after the working of the Margarine Acts, *ib.* 1603–1609.

Imitation in Denmark of mixtures of butter and margarine, the Act prohibiting more than 50 per cent. of butter-fat to the mixture, and providing that the colour of the margarine must not exceed a certain yellow tint, *Faber* 1610 *et seq.*——Detailed explanation of the colour test under the Act of 1891; sufficiency of the test to obtain a conviction, *ib.* 1620–1629.

Particulars as to the penalties under the Margarine Act, minor offences being punished by fines ranging from 2*l.* 10*s.* to 10*l.*, and serious ones by imprisonment on the first conviction; experience of witness that imprisonment is necessary, as heavy fines are not sufficient to check adulteration, *Faber* 1629–1637. 1744, 1745. 1824–1827——List handed in by witness of the prosecutions for infringing the Margarine Acts from 1889 to 1894, showing that the carrying out of the Act of 1888 greatly diminished the number of offences, *ib.* 1638–1649.

Statement that in Denmark margarine can only be retailed in paper wrappers bearing the word "margarine," the percentage of butter-fat guaranteed, and the name and address of the manufacturer; instance in which a retail dealer was imprisoned for fourteen days for falsely marking the percentage of butter-fat on the wrapper, *Faber* 1650–1658——Effect of the colour section of the Danish Act to render the export of Danish margarine almost impossible; sale of butter-colouring matter along with the margarine permissible by the Act for home consumption, *ib.* 1677–1679. 1729–1742. 1751–1754. 1863–1865.

Paper explanatory of the provisions of the Danish Margarine Law of 1891, and of the the regulations, forms of account, &c., prescribed therein, *App.* 381–386.

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10. *France:*

Evidence in support of the opinion that the facility with which adulteration is carried on in the butter industry in France, is due to the incompetence of the French analysts to detect margarine in butter when the quantity present is less than 10 per cent., *Slater* 409-416. 528 *et seq.*——Statement that although there is a law in France to prevent the fraudulent mixing of margarine and butter, it is not preventive in any way; information as to the method by which the law is evaded, *ib.* 417-428——Submission by witness of a letter from the Viscomte de Villebois Marenil, in which it is stated that the margariners are all-powerful in France, and too rich to admit of anyone to struggle against them, *ib.* 429-431. 550-560.

Attention drawn to the large quantity of margarine received by French butter shippers from Holland and Belgium; declaration of the honest butter merchants that unless the French Parliament are prepared to aid them efficaciously against margarine adulteration, they will be obliged to imitate their less scrupulous competitors, *Slater* 432-435 447-452. 528-548——Evidence to the effect that notwithstanding 41,029 separate petitions have been addressed to the French Parliament against the adulteration of butter with margarine, the fraud still goes on, *ib.* 436-438.

Statement that large quantities of margarine are brought to Rennes, and there mixed with pure butter in the presence of municipal agents, the mixture being then shipped with a "margarine" ticket attached, which can be removed and the consignment disposed of as pure butter; calculations as to the immense profits derived from this process, *Slater* 440, 441. 513-543 — Statistics handed in showing that, although there are large manufactures of margarine in France professing to work almost exclusively for export, very little margarine is actually shipped from the country, *ib.* 442-446——Prohibition of the use of margarine in hospitals and public institutions in Paris on the ground that it is injurious to health, *ib.* 453-460. 491-496. 529. 549.

Extracts from letters from French butter shippers handed in, showing that any action taken by the English Government in order to induce the French Government to pass and carry out laws against margarining butter would have the sympathy of the butter shippers and agricultural representatives in France, *Slater* 461 *et seq.*——List of official prices of butters in Brittany put in, the prices being much higher than those at which Normandy butter is sold in London; inference that as the bulk of Brittany butter comes to London *viâ* Normandy, margarine is added *en route*, *ib.* 471-527. 561-564.

11. *Evidence as to the Wholesomeness and Usefulness of Margarine as an Article of Food, as to its Cheapness, and as to the inexpediency of any undue Restrictions upon its Sale:*

Opinion that margarine and mixtures of margarine and butter are wholesome articles of food; belief that there is very little difference between them and butter as regards nutrition, *Thompson* 969-974. 1076-1085. 1197 *et seq.*——Disapproval of any interference with the legitimate sale of margarine, on the ground that it would deprive the working classes of a cheap article of food; denial that the sale of margarine is injurious to the public, *ib.* 975 *et seq.* 1093-1096——Serious competition of New Zealand butter with the margarine mixtures; contention that the mixtures are equal in value to any but very fine butter, and should not be prohibited, *ib.* 981-996. 1089-1092. 1142-1149. 1186-1189. 1206 *et seq.*——No doubt that the colonial shipments of butter have lowered the price of margarine, *ib.* 1044.

Non-objection to the sale of margarine, if it is sold as margarine, it being beneficial to the poor, especially in very dear times, *Hudson* 1248-1250. 1345. 1533-1537. 1583-1587——Sale of margarine in quantities in Edinburgh, Glasgow, Liverpool, and other large centres in the north; no doubt that margarine is a wholesome article of food, *ib.* 1286-1294. 1351-1357——Disapproval of the sale of margarine being stopped, provided it be sold only as margarine, *O'Sullivan* 2759-2762.

Fraudulent sale of a certain proportion of margarine in Scotland, through laxity on the part of the local inspectors; very large sales by dealers who strictly carry out the provisions of the Act of 1887, the public demand being considerable, *Hamilton* 3021-3029. 3068-3070—— Popularity and wholesomeness of margarine as an article of food, it being cheaper and better than inferior butter, *ib.* 3028, 3029. 3082, 3083. 3107. 3211, 3212—— Inexpediency of prohibiting the sale of margarine mixtures, such as improvement of margarine by a small admixture of butter; belief that in Scotland no mixing machines are used by the retailers, *ib.* 3040-3044. 3106. 3173-3179. 3252-3256.

Contention that interference with the sale of margarine would be very injurious to agriculture, as the quantity now sold in this country requires the milk of 20,000 cows besides a large quantity of the best fats, *Hamilton*, 3061-3067. 3079-3091. 3121-3126. 3129-3132. 3188-3190——Information as to the relative cost of butter and margarine and the relative profits on sale by the retailer; very large profit in some cases where margarine is sold as butter, *ib.* 3158-3165. 3191-3202.

Conclusion that margarine is a useful article of food, and is quite as nourishing as butter; scientific evidence quoted to this effect, *Van Der Bergh* 3296-3312. 3338——

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11. *Evidence as to the Wholesomeness and Usefulness of Margarine, &c.*—contd.

Examination on the part of the French Government of the manufacture of margarine in Holland; satisfactory report on the subject, *Van Der Bergh* 3283–3285——Effect of the margarine manufacture in Holland in raising the price of milk; great quantity of the latter used by witness' firm in the manufacture of margarine, *ib.* 3285–3288. 3404–3412——Quotation of the opinions and conclusions of Dr. Lyon Playfair, Professors Odling, Tidey, and Redwood, and other eminent authorities, as to the constituent parts of margarine and as to its value relatively to butter, *ib.* 3299–3312.

Specimens submitted to the Committee of the several ingredients used in the manufacture of margarine, with explanations thereon; different kinds of oil used, in addition to the oleo which is made from the best beef-fat, mutton oleo being sometimes used in small quantities, *Van Der Bergh* 3314–3330——Retail sale at 6*d.* per lb. of the larger quantity of the margarine imported, cheap butter being sold at 1*s.*; denial, however, that there is any extensive fraud, though there is, doubtless, an inducement thereto on account of the much higher price of butter, *ib.* 3338–3349——Varying price of margarine from 32*s.* to 54*s.* per cwt., according to the ingredients, the price of mixtures being from 54*s.* to 70*s.*, *ib.* 3381. 3413–3422.

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Rogers, John Innes. (Analysis of his Evidence.)—Witness has been requested by the London Chamber of Commerce to give evidence in regard to the general grocery trade of the kingdom; has been connected with the trade for thirty-five years, 5745–5747. 5798.

Decided opinion that the normal rate of increase in the consumption of coffee has been checked by the unlimited use or abuse of chicory; decline in the consumption of coffee from ·99 of a pound per head of the population in 1879 to ·69 in 1893; 5748 *et seq.*—— View of witness that, if the trade were legitimately conducted, and if people could have the stimulus they expect from coffee, the consumption would have increased with the population; reference to the present trade in coffee as really a trade in chicory, 5748 *et seq.*; 5771–5773.

Decrease in the importation of chicory during the last four years 18 per cent., and in coffee 22 per cent.; explanation, however, that these figures cannot be taken as a very sure guide as the amount of the home production of chicory is unknown, 5758–5760.

No doubt that admixtures of coffee and chicory have increased in consequence of the rise in the price of coffee, which is due to the growing demand for coffee on the Continent, where chicory is not so much used, 5761, 5762.

Experience of witness that the French buy the freshly roasted berries, grind them, and make a decoction of them, which is kept for a certain time, the *café au lait* being made

Rogers, John Innes. (Analysis of his Evidence)—*continued.*

made by adding a little of this extract of coffee to a bowl of hot milk, 5762 ——Opinion that what is sold in this country as French coffee is neither French nor coffee, some of the samples containing as much as 80 or 90 per cent. of chicory; conclusion that there ought to be some legal limit to the amount of chicory in mixtures, 5762, 5763. 5792–5797.

Certainty that the practice of witness' firm to declare the percentage of chicory in their mixtures is detrimental to their business, as other firms do not act likewise; contention that the honest trader and the growers as well as the public should be protected by the proportions of coffee and chicory being specified on the labels, 5763 *et seq.*; 5867 *et seq.*——Suggestion that coffee with not more than 25 or 33 per cent. of chicory should be allowed to be sold as coffee with the proportions specified on the labels, and that mixtures containing a greater quantity of chicory should be called coffeine, with the proportions declared, or chicorine without any declaration, 5774–5778. 5871 —— Doubt as to there being any insuperable analytical difficulties in specifying the proportions of coffee and chicory in a mixture; desirability of a latitude of 5 per cent. being allowed, and of an appeal to some central authority, for the full protection of the trader, 5779–5781. 5879–5881.

Opinion that the admixture of starch and sugar with cocoa cannot be regarded as adulteration, cocoa being a manufactured article; recommendation that the percentages of the ingredients should be declared on the labels, and that when the added substances rise above a certain percentage the mixture should be called by some name other than cocoa, 5782 *et seq.*——Proposal that in future all mixtures should have a special name, different to that of the pure article; necessity, however, of exempting from this arrangement coffee, cocoa, and mustard mixtures, which the public taste and the exigencies of commence have legitimised, 5783–5791. 5872–5875.

View of witness that, although the Act of 1875 was well meant, it is no deterrent as regards the spice trade, there being more adulteration in the trade since the Act than there was before; necessity of making the Act much more stringent, 5798 *et seq.*—— Information as to the adulteration of pepper; conclusion that white pepper at the present time is adulterated with some unknown substance which the analysts have hitherto been unable to detect, 5810–5837. 5848, 5849——Discontinuance of the sale of poivrette as pepper, after a few prosecutions of retail buyers in Liverpool, 5838.

Decided opinion that adulterations should be attacked at the fountain-head by the State prosecuting the man who manufactures or imports them, 5839–5847. 5888–5898 ——Statement that the real ginger trade of the country is being destroyed by the adulteration that is going on, the practice being to grind up refuse ginger and mix it with good ginger, 5850–5859. 5865, 5866.

Complaint against the present Act that the analysts do not become aware of adulterations until their attention is called to them, whereas they ought to be on the look out for them; desirability of there being an experienced Intelligence Department to look after such matters, 5859–5862 ——Advisability of articles of food and drink, and all ingredients to be allowed in their préparation or manufacture, being distinctly defined in any future amendment of the law, 5862–5864.

Opinion that the practice of colouring articles of food need not be stopped, but should be brought under Parliamentary control, as is in France and Germany, 5876–5878 —— Large importation of exhausted caraways, which are mixed with unexhausted ones and sold whole or ground, 5882–5886.

Adulteration of cinnamon with ground walnut shells, 5887——Statement that the so-called wild mace and wild soapy nutmegs are mixed with genuine mace and nutmegs, the wild nutmegs being so plentiful as to render the making of wooden ones unnecessary, 5890–5894.

Adulteration of arrowroot with potato starch and tapioca flour, 5895–5898—— Instance of the adulteration of fine-cut oatmeal with barley meal, the peculiarity of the case being that the fraud could not be brought legally home to the miller who committed it, 5899.

Prejudicial effect on the pure liquorice trade of the importation of large quantities of heavily adulterated French liquorice; contention that the public ought to get pure liquorice at a confectioner's as well as at a chemist's shop, 5902–5905——Belief that olive oil is largely adulterated with cotton and other oils, 5906, 5907.

Extensive sale of so-called beeswax, containing as much as 50 to 60 per cent. of paraffin wax, 5910, 5911——No doubt that all imported tinned peas are coloured with sulphate of copper; necessity of some standard as to colouring, the magisterial decisions being very contradictory, 5912–5921.

[Second Examination.]—General conclusion that there is a considerable amount of direct adulteration in the grocery trade, chiefly in connection with spices, arrowroot, seeds, and liquorice, and that there are also practices verging on adulteration, such as admixtures of coffee, cocoa, and mustard, 5923–5927. 5976–5982. 6197–6202.

Appointment

Rogers, John Innes. (Analysis of his Evidence)—*continued.*

Appointment by the London Chamber of Commerce of a committee to collect evidence to lay before the present Select Committee; explanation respecting certain of the resolutions of the Chamber, 5927–5929. 6161, 6162——Difference of opinion in the Chamber as to coffee, cocoa, and other mixtures, 5929.

Grounds for the conclusion that direct adulteration is not properly dealt with under the present law, and in some cases is not dealt with at all; opinion that the wholesale manufacturer who really commits the frauds should be punished by imprisonment or such heavy fines as would render adulteration unprofitable, 5930. 5931. 6079 *et seq.* ——Contention that most of the prosecutions for the sale of admixtures are due to objectionable action on the part of the inspectors, 5931 *et seq.*; 5983. 6040–6049.

Unsatisfactory administration of the present law, practices verging on adulteration being left entirely alone, although they entail the gradual deterioration of the standard of honesty and fair dealing, 5946 *et seq.*; 6079 *et seq.*——View of witness that the rate of remuneration of the public analysts is insufficient, and that there is no general supervision over them; dissatisfaction of the analysts with the Somerset House officials, 5951. 6006. 6083–6088. 6152–6161——Recommendation that all the Acts dealing with adulterations and mixtures should be brought into one Act, to be called the Adulteration Act, and that the Merchandise Marks Act should be administered by the same authorities as the Adulteration Act, 5952. 6089–6093. 6210–6222.

Desirability of factories and all places where foods, drugs, or drinks may be stored or sold being open to the inspectors at all reasonable hours; proposal also that on a conviction for adulteration the offender, in addition to the seizure of his goods, should be punished by a severe fine or imprisonment, and for a second offence by imprisonment without the option of a fine, 5953. 6026–6039. 6163–6165——Necessity, in the case of a number of shops kept by one man, of there being safeguards which would make the managers liable as regards adulteration when the proprietor is not personally resident on the premises, 5954, 5955.

General confirmation of witness' previously-expressed opinion as to the declaration of the constituents of an article and their percentage on the wrapper; absence of necessity for any declaration when the article is sold as "chicorine," "mustardine," &c., 5958. 5987–5991. 6007–6013. 6108–6118. 6145–6151. 6203–6209——Suggestion that the proposed central Government Analytical Department should have sufficient funds, appliances, and skilled assistance to enable it to make original researches into adulteration and its detection, to be in constant communication with local analysts, and to fight important and expensive cases, 5959, 5960. 5996–6000. 6050 *et seq.*; 6119–6123.

Opinion that the department should have complete control as to fixing and varying standards of purity, strength, or colouring, and as to the wording and size of the labels on all foods, drugs, drinks, or materials used in their preparation, 5960. 6063–6073. 6134–6136——Proposal that there should be an advisory and honorary council of traders to advise the central department and to educate commercial opinion and raise the mercantile standard, 5960, 5961.

Attention drawn to the regulations of the Grocers' Company of the City of London, which, allowing for difference of the times, embody the whole of the powers which witness proposes to delegate to the Central Analytical Department; conviction that the large amount of adulteration now practised is due to the neglect of the company, 5962, 5963. 6094–6099. 6137–6144——Disapproval of Sir Charles Cameron's Bill, the clauses as to warranty being very unsatisfactory; a limitation of the period of warranty for perishable goods and goods sold in bulk would partially meet witness' objections, 5964–5972. 6074 *et seq.*; 6166–6197. 6223–6225.

Submission by witness of a draft Bill embodying the various suggestions he has made, 5973, 5974—— Belief that the adulterants now used are not of a poisonous or unwholesome character, as they were some twenty-five or thirty years ago, 5975.

Sale by witness' firm of three qualities of mixtures of coffee and chicory, containing 50, 75, and 80 per cent. of chicory respectively declared on the tins; no doubt that in many mixtures sold the chicory goes up to 90 per cent., 5976–5980——Opinion that in the case of mixtures the desire of the inspector to have tins broken up, and to take a small quantity only is a further attempt to get rid of the protection given to the retailer by the label of the manufacturer; suggestion hereon, 5984, 5985.

Agreement with the suggestion that the sample taken by the inspector should be divided into four parts instead of three, one part to go back to the manufacturer or wholesale vendor, 5986——Opinion that verbal declarations made by the grocer to the inspector should not be recognised, and that the label on the article should be the only protection, 5992–5995.

Contention that as the certificate of the public analyst is admitted, on proof, without the personal presence of the analyst in court, the certificate of the wholesale dealer's analyst should also be admitted in the same way, 6001, 6002. 6124–6133——Desirability of cases of adulteration being tried in the main district where the offending wholesale dealer or manufacturer resides, 6003–6005.

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Opinion that if alkalis are being added to cocoa, it is a new departure that should be prohibited, 6014-6025——Certainty that if a Government analytical department were established, foreign Governments would communicate with it in regard to preventing adulterations, 6057 *et seq.*——Information as to the colouring of sugar; opinion that the sale of yellow crystals as Demerara sugar is a fraud, 6100-6107.

Rowson, Cecil. (Analysis of his Evidence.)—Witness is a cheese broker of Liverpool, having been actively engaged in the trade 22 years; is a member of the Liverpool Produce Exchange, and appears on behalf of the Liverpool Provision Association, 3952–3954.

Evidence to the effect that large quantities of adulterated cheese are shipped from Chicago to the north of England, 3955–3960. 3999–4008——Opinion that the adulterated cheese coming from America is unwholesome, very liable to decomposition, and a fraudulent imitation of a good article of food, 3961 *et seq.*

Statement that a conviction was obtained in each of the eleven prosecutions instituted in Liverpool during the last twelve months in connection with adulterated cheese, the imitation cheese being in most cases condemned, 3965–3975——Manufacture and sale of the spurious cheese recently prohibited in Wisconsin, 3982, 3983.

Desire of the Liverpool Provision Association that the production and sale of filled cheese should be prohibited in this country, the manufacture of this cheese being not only detrimental to the cheese trade but to the public interest, 3984–3998. 4009–4012——Belief that the fund raised in Liverpool for the purpose of prosecuting people dealing in adulterated cheese has had a very great influence in protecting the trade and the public; recommendation that the example should be followed in other localities if some Government Department does not take the matter up, 3993–3998. 4013–4025——Opinion that a slight excess of water in cheese cannot be held to be adulteration, and that no magistrate would be justified in convicting in such a case, 4026–4029.

S.

Samples. Opinion that the public should have the right to take samples for analysis apart from those taken by public officials, so that any society for maintaining the purity of food might institute prosecutions if necessary, *Ling* 3773-3783. 3845-3847——Proposal that the sample taken by the inspector should be divided into four parts, instead of three, so that one part could be at the disposal of the wholesale vendor, if required, *Kilvert* 5120–5129. 5160–5173. 5203 *et seq.*; 5256 *et seq.*; 5274–5276.

Agreement with the suggestion that the sample taken by the inspector should be divided into four parts instead of three, one part to go back to the manufacturer or wholesale vendor, *Rogers* 5986——Opinion that wholesale dealers should have their goods sampled from time to time by the inspectors, especially at the ports of entry, *Sir W. Pink* 6625–6630.

Necessity of further provision for the taking of samples by inspectors from wholesale houses, manufacturers, and importers; no doubt that it would be more difficult to examine butter and preserved fruits than tea at the port of entry, *Giles* 7033. 7094–7099——Approval of the sample taken by the inspector being divided into four parts, and each part marked by the vendor, *ib.* 7094, 7095——Desirability of inspectors being empowered to take samples of articles at any railway station or other place where they are in course of delivery, *Robinson* 7190; *Egerton* 7555; *A. W. Stokes* 7879, 7880——Conclusion that the absence of a time limit in regard to perishable articles is a great impediment to the efficient administration of the Acts, inasmuch as it interferes with further analysis; impracticability of the idea of preserving the samples by employing some freezing process, *Egerton* 7581–7584. 7608–7614.

Desirability of each vestry being compelled by law to take a minimum number of samples for analysis, say one sample per 500 inhabitants, *A. W. Stokes* 7836–7888——Proposal that in taking samples of Seidlitz powders, teething powders, citric acid, and alkalis, the articles, being in such small quantities, should not be divided, but that two or three of the same article should be taken, and be considered of uniform quality, *ib.* 7839–7842——Disapproval of the proposal that samples of perishable articles should be preserved with formaldehyde, as it would be exceedingly unwise to allow the samples to be tampered with; suggestion that the vendor should have the right to have his sample analysed by the Court of Reference within a fortnight from the date of purchase, *ib.* 7869–7873——Disapproval of the rules issued a year ago by the Local Government Board at the instance of the Somerset House authorities in regard to the quantities and method of putting up samples for analysis, *ib.* 7911-7918. 7959–7964.

See also *Analysts and Analyses. Inspection.*

Sanderson, John Cornelius. (Analysis of his Evidence.)—Witness is the honorary Secretary of the Coffee Association of London, and appears on behalf of the Coffee Trade Section of the London Chamber of Commerce; has been in the coffee trade for about forty years, 5577–5581.

Evidence in support of the contention that there is a very large adulteration of coffee going on at the present time, no improvement having taken place since 1886; 5582 *et seq.*; 5623 *et seq.*; 5680–5686. 5709–5713. 5743, 5744——Explanation that the London Chamber of Commerce is not unanimous as to the adulteration of coffee, because of the large trade interest in mixtures having made itself felt; disagreement of witness with the resolution of the Coffee Trade Section against the compulsory declaration of the proportions of coffee and chicory in a mixture, 5589 *et seq.*; 5737–5740.

Belief that if the declaration of proportions were compulsory wholesale mixers would adopt better methods of manufacture to enable them to do it accurately, 5600–5602. 5742—— Doubt as to there being any difficulty of analysis as regards coffee and chicory; experience of witness that analysts can fix, within reasonable limits, the quantities of the ingredients in a mixture, 5603–5606. 5664 *et seq.*; 5741, 5742.

Refusal of the Chamber to adopt the resolution of the Coffee Trade Section, a resolution being passed to the effect that the law as to admixtures and their declaration to the purchaser requires to be greatly strengthened, 5607–5610——Unsatisfactory state of the present law, manufacturers having a license to mix as much chicory as they like with coffee, so long as they put a notice on the label to the effect that the article is sold as an admixture; suggestions hereon, 5611–5622. 5661–5663. 5672–5679. 5714 *et seq.*

Opinion that the admixture of starch and sugar with cocoa is not legitimate, 5630–5634—— Recommendation that coffee and chicory should be sold separately, leaving the public to mix them together, 5635–5639——Experience of witness that real French coffee contains a large amount of chicory, 5645–5647. 5687–5689.

View of the coffee growers abroad that the sale of genuine coffee is interfered with by the extensive use of chicory, and that the admixture of chicory ought to be checked or prevented; vitiation of the public taste by the undue proportion of chicory put into the mixtures for the sake of profit, 5648 *et seq.*; 5690–5708——Importance of there being a central laboratory with Government confirmation to appeal to in cases of doubtful analysis, so that there shall be no injustice to traders or retailers, 5664–5671.

Sausages. Conclusion that the standard for sausages should be 50 per cent. meat and 50 per cent. bread, *Stokes* 7926–7931.

Scotland. Opinion that in Scotland the retail trade does not tamper with butter before it reaches the public, nor with cheese, *Osborne* 4569. 4571. 4572——Conclusion that the Adulteration Acts are much more fairly administered in Scotland than in England, the local authorities, while doing all they can to prevent fraud, refraining from harassing the retail trade as they do in England, *Dunlop* 6957, 6958.

See also *BUTTER. CHEESE. MARGARINE.*

Shop Assistants. Recommendation that any assistant selling margarine as butter should, as well as his employer, be made liable to prosecution; anomalous condition of the law with regard to assistants, an employer being innocent under the Margarine Act and guilty under the Sale of Food and Drugs Act, *Ling* 3733, 3734. 3789 *et seq.*——Advisability of the Margarine Act being prominently displayed in shops, and of any assistant infringing it being made liable for the penalty inflicted, *Williams* 6815–6820. 6833–6839——Proposal that where an adulterated article has been sold by the fault or error of an assistant the latter shall be brought before the court and the employer acquitted on proof that the sale was without his knowledge or connivance, *Giles* 7033. 7070. 7073.

Slater, Robert Henry. (Analysis of his Evidence.)—Witness is a shipper of butter from Rennes; has a thorough acquaintance with the trade, 406–408.

Evidence in support of the opinion that the facility with which adulteration is carried on in the butter industry in France is due to the incompetence of the French analysts to detect margarine in butter when the quantity present is less than 10 per cent., 409–416. 528 *et seq.*——Statement that although there is a law in France to prevent the fraudulent mixing of margarine and butter, it is not preventive in any way, 417–428.

Submission by witness of a letter from the Viscomte de Villebois Mareuil, in which it is stated that the margariners are all powerful in France and too rich to admit of anyone to struggle against them, 429–431. 550–560——Attention drawn to the large quantity of margarine received by French butter shippers from Holland and Belgium; declaration of the honest butter merchants that unless the French Parliament are prepared to aid them efficaciously against margarine adulteration they will be obliged to imitate their less scrupulous competitors, 432–435. 447–452. 528–548.

Evidence to the effect that notwithstanding that 41,029 separate petitions have been addressed to the French Parliament against the adulteration of butter with margarine,

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Slater, Robert Henry. (Analysis of his Evidence)—*continued*.

the fraud still goes on, 436-438——Statement that large quantities of margarine are brought to Rennes and there mixed with pure butter in the presence of municipal agents, the mixture being then shipped with a "margarine" ticket attached, which can be removed and the consignment disposed of as pure butter; immense profits derived from this process, 440, 441. 513-543——Statistics handed in showing that, although there are large manufacturers of margarine in France professing to work almost exclusively for export, very little margarine is actually shipped from the country, 442-446.

Prohibition of the use of margarine in hospitals and public institutions in Paris on the ground that it is injurious to health, 453-460. 491-496. 529. 549——Extracts from letters from French butter shippers (*App.* 373, 374), showing that any action taken by the English Government in order to induce the French Government to pass and carry out laws against margarining butter would have the sympathy of the butter shippers and agricultural representatives in France, 461 *et seq.*

List of official prices of butters in Britanny put in, the prices being much higher than those at which Normandy butter is sold in London; inference that as the bulk of Brittany butter comes to London *viâ* Normandy margarine is added *en route*, 471-527. 561-564.

Somerset House (*Central Laboratory*). Disapproval of any increase of central organisation, the present Somerset House tests and analyses being quite satisfactory, *Van Der Bergh* 3365-3367. 3487-3491.——Adequacy of the tests and analyses at Somerset House, *McCallum* 3589-3591; *Haselwood* 6559——Experience of witness that in nearly every case the Somerset House analysis is correct; decided opinion that this protection to traders should be continued, as there are a number of country analysts whose analyses cannot be relied upon, *Kilvert* 5152-5159——Importance of there being a central laboratory with Government confirmation to appeal to in cases of doubtful analysis, so that there shall be no injustice to traders or retailers, *Sanderson* 5664-5671.

Certainty that the laboratory at Somerset House, if properly administered, would be a very valuable adjunct to the enforcement of the Acts, *Robinson* 7223, 7224——Desire that when there is a conflict of evidence the magistrate should be compelled to refer the sample in dispute to Somerset House, *Wilson* 7297 *et seq.*——Satisfaction with the analyses made at Somerset House; opinion that the local public analysts are not as a rule very careful, *ib.* 7297 *et seq.*

Desirability of the Somerset House chemists being empowered to call in expert witnesses when necessary, *Blyth* 7746——Grounds for the recommendation that in doubtful cases a reference by the local analyst to the Government laboratory should be allowed before the vendor is summoned, especially in regard to new products or new forms of adulteration, *ib.* 7747-7759.

See also *Analysts and Analyses.* *Central Department.* *Inspection.*

South of Ireland Butter Merchants' Association. See *Butter.* *Margarine.*

Spices. View of witness that although the Act of 1875 was well meant, it is no deterrent as regards the spice trade, there being more adulteration in spices since the Act than there was before; necessity of making the Act much more stringent, *Rogers* 5798 *et seq.*——*See* also *Pepper.*

Spirits. Opinion that when spirits are sold below the standard the fact should be prominently stated in every room in which they are sold, *Robinson* 7262-7264——Objection to the general label "All spirits are sold diluted," by which publicans protect themselves when selling spirits diluted below the law standard that has been fixed, *Blyth* 7761-7764——Contention that it should not be lawful for publicans to contract themselves out of the Act by setting up a notice that all spirits are diluted, *A. W. Stokes* 7920-7925. 7965-7968.

Standards of Purity. Opinion that the central department should have complete control as to fixing and varying standards of purity, strength, or colouring, and as to the wording and size of the labels on all foods, drugs, drinks, or materials used in their preparation, *Rogers* 5960. 6063-6073. 6134-6136——Proposal that there should be an advisory and honorary council of traders to advise the central department, and to educate commercial opinion and raise the mercantile standards; belief that such a council would enable undesirable practices to be stopped with the least possible amount of friction, *ib.* 5960, 5961——Advisability of establishing a system of scientifically-determined standards for the guidance of public analysts, traders, and others, *Giles* 7033.

Proposal that standards for milk, milk products, and other articles admitting of definition shall be fixed by an expert committee under the Local Government Board with power to alter them in exceptional seasons, *Egerton* 7555. 7577-7580. 7625-7633.——Desirability

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Standards of Purity—continued.

——Desirability of establishing by law limits or standards in all cases where it is possible to fix them; practically the standards arrived at by appeals to Somerset House are now worked to, the trades perfectly well understanding them, *Blyth* 7709-7711. 7789 *et seq.*

See also *Analysts and Analyses.* *BUTTER*, 1. *Milk.*

Stewart, C. & Co. Letter from Messrs. C. Stewart & Co., dated Rennes, 10th July 1894, submitting that the fraudulent admixture of margarine and butter should be stopped, *App.* 373.

Stokes, Alfred Walter, F.C.S., F.I.C. (Analysis of his Evidence).—Witness is public analyst to the parishes of Hampstead, Paddington, St. Luke, and Bethnal Green, and has had over twenty-five years' experience as a public analyst; appears in support of a petition dated the 10th October 1893, from the vestry of St. Luke, 7832–7836.

Desirability of each vestry being compelled by law to take a minimum number of samples for analysis, say one sample per 500 inhabitants, 7836–7838——Proposal that in taking samples of seidlitz powders, teething powders, citric acids, and alkalis, the articles, being in such small quantities, should not be divided, but that two or three of the same article should be taken and be considered of uniform quality, 7839–7842.

Approval of the recommendation to establish an expert court of reference, which should fix standards and advise as to methods of analysis; complaint that the Somerset House standards are not known to the Society of Public Analysts, except in cases where disputes arise, 7843–7849——Opinion that the wholesale dealers should be summoned in adulteration cases whenever a warranty is filed; attention drawn to a wholesale firm of milk vendors who always give a warranty with their adulterated milk to protect their customers and find safety themselves under the twenty-eight days' limit, 7850 *et seq.*; 7976 *et seq.*

Disapproval of the proposal that samples of perishable articles should be preserved with formaldehyde, as it would be exceedingly unwise to allow the samples to be tampered with; suggestion that the vendor should have the right to have his sample analysed by the Court of Reference within a fortnight from the date of purchase, 7869–7873——Contention that the fines in cases of adulteration should be more uniform than they now are, and that a minimum fine should be fixed by law; concurrence with the proposal that the minimum fine should be 40*s.*, 7874–7878. 7899.

Advisability of inspectors being allowed to take samples of food and drugs at railway stations and other places while in course of delivery to persons within their districts, whether the places are within the districts or not, 7879, 7880——View of witness that the name of the preponderating article in mixtures should be put first on the label, and the proportion of the article that the purchaser goes to buy should be put as not less than so much per cent., 7881 *et seq.*; 7955-7958. 7969-7978.

Opinion that all mixtures of margarine and butter should continue to be described as margarine, exceptional treatment being necessary as regards margarine to protect agricultural interests, 7897, 7898——Grounds of witness' opposition to all the recommendations of the Metropolitan Dairymen's Association, 1895; non-objection to nine per cent. solids not fat, and three per cent. of solids fat as a fair standard for milk, 7900–7910. 7951–7954.

Disapproval of the rules issued a year ago by the Local Government Board at the instance of the Somerset House authorities in regard to the quantities and method of putting up samples for analysis, 7911–7918. 7959-7964——Necessity of amending the Adulteration Acts in regard to the form of certificate, which is badly worded, 7919.

Contention that it should not be lawful for publicans to contract themselves out of the Act by setting up a notice that all spirits are diluted, 7920-7925. 7965–7968——Conclusion that the standard for sausages should be fifty per cent. meat and fifty per cent. bread, 7926–7931.

Opinion that baking powder should be declared to be a food, so as to bring it under the Act, 7932–7939——Desirability of the amount of salt allowable in beer being fixed; doubt as to antiseptics being much used in beer, 7940-7944.

Necessity of there being a certain small amount of acetic acid in vinegar, 7945, 7946——Advisability of there being some limit below which the fat should not be deficient in cheese, 7947-7950——Insistence of witness on the principle that all food coming from abroad should be analysed at the port of entry, 7976-7988.

Stokes, William Lamb. (Analysis of his Evidence)—Witness is Treasurer of the South of Ireland Butter Merchants' Association, and Agent for the Co-operative Wholesale Society of Limerick; has had twenty-five years' experience of the butter markets of Ireland, 1874-1879.

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Stokes, William Lamb. (Analysis of his Evidence)—*continued.*

Evidence to the effect that in consequence of the prosecutions that had been instituted in England for excess of moisture in Irish butter the South of Ireland Butter Merchants' Association took the matter up and found that the amount of moisture varied from eight to thirty per cent.; table showing variations of moisture handed in, 1880–1892. 1987–1998——Large excess of water in Irish butter in 1893, due partly to defects in manufacture and partly to the excessive heat of that summer, 1893–1903. 1944 *et seq.*

Conclusion that sixteen per cent. of water is too low a standard to fix for Irish butter; opinion that for butter made with all necessary appliances and under favourable conditions eighteen to twenty per cent. might be a reasonable standard, if one be fixed, 1905 *et seq.*; 2029-2032. 2047——Explanation that butter in Ireland is made principally during the summer months, warm brine being added in order to preserve it for sale during the winter in England, 1905–1922. 1979–1981.

Result of experiments made in regard to preserving Irish butter that the process of using warm brine and dry salt is more effective than using a preservative like boracic acid, 1923-1928. 1970–1974——Grounds for the opinion that there should not be any definitely fixed standard of water for Irish butter, but that the analyst should be compelled to state whether water had been added with intent to defraud or whether it was due to defective appliances or high temperature, 1929–1937. 1975–1978. 1985, 1986. 2041–2047.

Improvement in the quality of Irish butter during the last few years due to competition in the butter market and to the better education of the farmers; doubt as to margarine having had anything to do with the improvement, 1938–1960. 1982–1984. 1999-2004——Present average price of Irish salt butter about 74*s.* to 76*s.* per cwt., the best creamery butter being from 8*s.* to 10*s.* per cwt. higher, 1961–1969.

Object of witness' association to get the percentage of water in Irish butter as low as possible, a large amount of water in butter being a disadvantage to the producers, 2005–2028——Resolution passed by the association against colouring margarine, as being conducive to fraud, 2034–2040——Objection to the mixture of margarine and butter, as it is a fraud, and detrimental to the honest butter producer, 2036–2040.

Sugar. Information as to the colouring of sugar; opinion that the sale of yellow crystals as Demerara sugar is a fraud, *Rogers* 6100-6107——Evidence to the effect that Demerara and Trinidad sugar has, by virtue of its good qualities, gained a reputation in the market, and, as it is mainly known by its appearance, inferior sugars are made in imitation of it; statement that at first the imitation in colour was very close, but the tendency now is to deepen the orange tent, *Lubbock* 7458 *et seq.*; 7530 *et seq.*

Certainty that any attempt to pass off upon the purchaser a beetroot sugar coloured with aniline dye as Demerara cane sugar is a fraud so far as the difference in money value is concerned; convictions obtained in two cases against tradesmen guilty of this fraud, *Lubbock* 7476 *et seq.*; 7503 *et seq.*——Conclusion that the imitation of Demerara sugar is an infringement of the Merchandise Marks Act; impossibility, however, of getting a conviction under that Act unless the tradesman puts the words "Demerara sugar" on the wrapper of the imitation sugar, *ib.* 7487 *et seq.*; 7516 *et seq.*——Opinion that the dyed sugars are not injurious to health, the aniline dyes being quite harmless, *ib.* 7488, 7489. 7511.

Recommendation that in future the retailer should be compelled to state on the package whether the sugar is cane sugar, beet sugar, or a mixture of the two; opinion that sugar mixtures are analogous to butter mixtures, and should be treated in the same way, *Lubbock* 7490–7497——Prejudicial effect of the German trade in imitation sugar on the West Indian sugar industry, the estates that are not rich enough to have modern machinery being slowly ruined, the others just holding their own, *ib.* 7521–7529. 7545–7548.

T.

Thompson, Joseph John. (Analysis of his Evidence.)—Witness is a member of the firm of Lonsdale and Thompson, butter merchants, of Manchester; has been deputed by the Manchester Chamber of Commerce to appear before the Committee jointly with Mr. Hickey, 965.

Explanation that witness deals in margarine, getting it chiefly from Holland, and that all of it comes distinctly marked as margarine, 969–968——Opinion that margarine and mixtures of margarine and butter are wholesome articles of food; belief that there is very little difference between them and butter as regards nutrition, 969–974. 1076–1085. 1197 *et seq.*

Disapproval of any interference with the legitimate sale of margarine, on the ground that it would deprive the working classes of a cheap and wholesome article of food, 975 *et seq.*;

Thompson, Joseph John. (Analysis of his Evidence)—*continued.*

et seq.; 1093–1096——Serious competition of New Zealand butter with the margarine mixtures; contention that the mixtures are equal in value to any but very fine butter, and should not be prohibited, 981–996. 1089–1092. 1142–1149. 1186–1189. 1206 *et seq.*

Inability of witness to see how the prohibition of the use of butter packages for margarine would check fraud; conviction that the present Act, if properly enforced, would prevent fraud, 997 *et seq.*; 1097–1102. 1211 *et seq.*——Suggestion that there should be travelling inspectors to see that the Act is carried out, and that the local authorities do their duty, 1008–1011. 1213. 1229.

Doubt as to any adulterated butter being brought in from foreign countries at the present time, very severe steps having been taken to stop the practice, 1011–1016. 1045–1048. 1130–1135——Opinion that all the prosecutions for margarining butter should be taken under the Margarine Act, not under the Sale of Food and Drugs Act; grounds of objection to imprisonment as a penalty, 1017, 1018. 1100–1117. 1152, 1153. 1189–1196. 1214–1240.

Dissent from the proposal to licence dealers in margarine, 1019–1028. 1150, 1151——Experience of witness' firm that, although factory butter is of more uniform quality, it does not keep as well as creamery butter; great decrease in the sale of factory butter in Lancashire, 1029–1039.

Considerable fall in the price of butter due to large shipments from the Colonies and foreign countries, the tendency being still downward, 1040–1043. 1103, 1104. 1136–1141——No doubt that the colonial shipments have lowered the price of margarine, 1044.

Absence of necessity for a written warranty; opinion that the invoice sent with the butter to the retailer is sufficient, 1049–1051——Fear that if a standard as to the amount of water permissible in butter were fixed small farmers would not be able to send their butter to market, especially in hot weather, 1052–1058. 1077–1085.

Great improvement in the quality of butter, the standard of purity being much higher now than it was years ago; opinion that the competition of different parts of the world may be trusted to keep the English public supplied with good butter at a low price, 1059–1064——Agreement with the suggestions put forward by Mr. Hickey for the amendment of the present Acts, 1065–1075.

Approval of the recommendation that analysts should be paid a fixed salary, 1067–1070——Great difficulty in making merchantable lard in hot weather without the addition of a little stearin, 1071–1073.

Opinion that butter makers and margarine makers should be allowed to colour their produce according to their several requirements; statement that fifteen members of the Produce Section of the Manchester Chamber of Commerce are in favour of colouring margarine and nine against it, 1086–1088. 1118–1129. 1154–1185. 1218–1237.

Tinned Goods (*Generally.*) Opinion that in the case of mixtures, the desire of the inspector to have tins broken up and to take a small quantity only is a further attempt to get rid of the protection given to the retailer by the label of the manufacturer; approval of there being a clause compelling the inspectors to take a tin with the manufacturer's label on it, *Rogers* 5984, 5985.

Tinned Peas. No doubt that all imported tinned peas are coloured with sulphate of copper; necessity of some standard as to colouring, the magisterial decisions being very contradictory, *Rogers* 5912–5921——Varying opinions given by analytical and other witnesses as to whether preserved peas coloured with sulphate of copper are injurious to health, *Giles* 7039, 7040.

Travelling Inspectors. Suggestion that there should be travelling inspectors to see that the Margarine Act is carried out, and that the local authorities do their duty, *Thompson* 1008–1011. 1213. 1229; *Van Der Bergh* 3368–3370——Desirability of travelling inspectors in private clothes, some of them being women, and that the inspecting authority should be shifted from the vestries to the county councils, *Hudson* 1506–1511. 1539.

Proposals for a more efficient investigation under central authorities by means of travelling inspectors, with increased facilities for complaints by the public and for the purchase of samples, *Watson* 4051–4055——Advantage of travelling inspectors so as to encourage the local authorities to carry out the law, and to take samples from the hotels, restaurants, wholesale houses, manufacturers, &c., *Williams* 6808–6815. 6831, 6832. 6842–6840.

Trengrouse, Henry. (Analysis of his Evidence.)—Witness is a member of the Home and Foreign Produce Exchange and of the London Chamber of Commerce; appears on behalf of the latter body, 4197, 4198.

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Trengrouse, Henry. (Analysis of his Evidence) —*continued.*

General agreement of witness with the evidence given by Mr. Webb and Mr. Rowson in regard to filled cheese, 4199–4204——Decided opinion that the traffic in filled cheese defrauds the public of a more nutritious article and injures the agricultural trade generally, 4205–4209——Refusal of witness to accept consignments of filled or adulterated cheese, although offers of a liberal commission reached him from Illinois, 4210–4213.

View of witness that the manufacture of filled cheese in this country ought to be suppressed, on the ground that it is a fraud; necessity of there being a right of appeal against the condemnation of alleged imitation cheese, in order to guard against mistakes, 4214-4222. 4241, 4242. 4287-4291——Statement that the leading London importers are all strongly opposed to the introduction of spurious cheese into the trade, 4223, 4224 — Opinion that if the Legislature does not see its way to stop the whole of the manufacture and importation of filled cheese there should be heavy penalties on those who sell it, with imprisonment after the second or third conviction, 4225–4229. 4289–4291.

Belief that the lard sold in London, which is chiefly of American manufacture, is absolutely pure; failure of a prosecution in regard to the Armour Packing Company's lard for alleged adulteration, 4230–4240. 4317-4322——Attention drawn to the fact that the law at present is very harsh on the shopkeeper, who is sometimes fined without his case being properly defended; desirability of the right of appeal being given freely in order to prevent an innocent man being fined through ignorance, 4240–4242. 4292 *et seq.*

Experience of witness that the use of cotton-seed oil as an adulterant of lard has been given up and that stearin is now used to give inferior qualities of fat the consistency of good lard, 4243-4253. 4304–4322——Information as to the packages in which the various kinds of lard appear on the market, the American chiefly coming in wooden pails, while the English is either in zinc pails or bladders; importation of raw lard from America in tierces, 4254–4273.

Belief that lardine consists of lard and cotton-seed oil and possibly beef fat; statement hereon that lardine has been practically driven out of the market, 4274–4282. 4312 *et seq.*——Opinion that most of the kinds of adulterated lard come from the United States, 4282–4285. 4309–4311.

Statistics as to the importation of lard into the United Kingdom, showing that nine-tenths of the total quantity comes from America, 4285, 4286——Disapproval of any proposal to allow English manufacturers of bladder lard to introduce a small percentage of beef fat, so as to give the requisite solidity to the lard, 4323–4326.

U.

Umney, Charles. (Analysis of his Evidence.)—Witness is a partner in the firm of Wright, Layman, and Umney, wholesale druggists and chemists, and has been in the trade for over thirty years, 6369-6374.

Opinion that the Act of 1875 has done excellent service in regard to the prevention of adulteration, and has raised the standard of purity to a very creditable position; belief that the Act has been carried out with moderation by the authorities and with efficiency by the public analysts, 6375 *et seq.*; 6453-6461——Illustration of the disadvantage at which public analysts are sometimes placed by the absence of standards of purity; proposal that the "British Pharmacopœia" should be revised and made the standard by statute law, other pharmacopœias being also relied upon when necessary, 6379-6391. 6428-6431. 6446-6450.

Difficulty of the public analysts in condemning or approving preparations, principally employed as household remedies, where the formulæ by which they were compounded have been superseded by slightly modified formulæ, 6392-6405——Desirability of drugs being warranted by a label, the warranty to be for at least six months when the drug is not decomposable, and for not more than one month when it is decomposable, 6406-6410. 6462, 6463.

Instances of laxity in carrying out the Act in wholesale trading, the dealers having but little hesitation in offering a spurious drug for sale under the name of that which it most nearly resembles; statement that the spurious drugs are chiefly bought by foreigners, 6411-6416. 6464-6481——Information respecting cantharides, two varieties of which are sold, both usually being genuine, 6417-6427.

Necessity of a little closer definition than is contained in the present Act of those food products that are included in the Pharmacopœia, such as brandy, mustard, &c., 6432–6441.——Conclusion that there should be a Court of Appeal in connection with drugs; suggestion as to the constitution of the Court, 6442-6445. 6451, 6452.

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Report, 1895—*continued.*

United States. Précis of legislation in the States respecting adulteration, *App.* 394.
See also *CHEESE*, 1. *LARD.*

V.

Van Der Bergh, Henry. (Analysis of his Evidence.) Representation by witness of the London Chamber of Commerce, with reference to the margarine trade; he began to study the margarine business in Paris in 1872 with M. Mege Mourier, the inventor, and is now very largely engaged in the trade, having given up the butter business altogether, 3257–3267. 3450, 3451.

Production by witness' firm of 33,000 tons of margarine yearly, all of which is invoiced as "margarine"; the baskets or packages being also labelled or stencilled with the word "margarine," 3266–3282. 3377–3380 —— Examination, on the part of the French Government, of the manufacture of margarine in Holland; satisfactory report on the subject, 3283–3285.

Effect of the margarine manufacture in Holland in raising the price of milk; great quantity of the latter used by witness' firm in the manufacture of margarine, 3285–3288. 3404–3412——Varying colour of margarine accordingly whether it is made in summer or winter; artificial colouring in order to please the taste of the consumers, 3289–3295. 3447–3449. 3474–3479.

Conclusion that margarine is a useful article of food and is quite as nourishing as butter; scientific evidence quoted to this effect, 3296–3312. 3338—— Quotation of the opinions and conclusions of Dr. Lyon-Playfair, Professors Odling, Tidey, and Redwood, and other eminent authorities, as to the constituent parts of margarine and as to its value relatively to butter, 3299–3312.

Varying regulations in foreign countries as to the percentage of pure butter to be contained in artificial butter, 3312, 3313 —— Specimens submitted to the Committee of the several ingredients used in the manufacture of margarine, with explanations thereon; different kinds of oil used, in addition to the oleo which is made from the best beef fat, mutton oleo being sometimes used in small quantities, 3314–3330.

Explanation that margarine is coloured in order to make it attractive to the public, and not with the view of imitating butter and deceiving the consumers; strong objection to colouring being prohibited as the trade would be killed thereby, 3331–3337. 3447–3449. 3465–3470. 3474–3479. 3492–3498. —— Retail sale at 6*d.* per lb. of the larger quantity of the margarine imported, cheap butter being sold at 1*s.*; denial, however, that there is any extensive fraud though there is doubtless an inducement thereto on account of the much higher price of butter, 3338–3349.

Grounds for objecting to any provision that margarine and butter should be sold in separate shops, and that margarine retailers should be licensed, 3350–3376. 3480–3486. 3521–3526—— Sufficiency of the present Act, if properly enforced, for the prevention of fraud, 3360–3364. 3452–3464. 3470 —— Disapproval of any increase of central organisation, the present Somerset House tests and analyses being quite satisfactory, 3365–3367. 3487–3491 ——Expediency of travelling inspectors, 3368–3370——Conclusion as to the present fines being sufficiently heavy, 3371–3376. 3455–3464——Non-objection to stricter examination at the port of entry, 3377. 3392–3397.

Varying price of margarine from 32*s.* to 54*s.* per cwt., according to the ingredients, the price of mixtures being from 54*s.* to 70*s.*; 3381. 3413–3422 —— Approval of mixtures being marked as "mixtures" or as "butterine," 3382–3386. 3443–3446. 3532–3535——Use of annatto for the colouring of margarine; way in which applied, 3387, 3388. 3439–3442. 3447–3449——Belief that margarine factories are duly registered in this country, 3389, 3390——Very little butter now coming from Belgium, 3391.

Further explanations respecting the several ingredients used in the production of margarine and the process of manufacture; degree of security as to the quality of the oleo, and of the several fats, oils, &c., 3398–3449. 3529–3531. 3536–3538—— Exaggeration existing as to the extent of fraudulent adulteration, 3456. 3466—— Concurrence in the proposition that due precautions should be taken for preventing fraudulent adulteration and imitation of butter, witness submitting, however, that fraud is limited and that existing legislation is adequate for its prevention, especially with more efficient inspection, 3465–3473.

Statement respecting the price of some of the chief ingredients of margarine as compared with the retail price of margarine, 3499–3508—— Denial that the making up of margarine into pats and rolls, stamped with the impression of a cow, is intended to deceive the public; non-objection to the cow stamp being prohibited, 3506–3520. 3527, 3528——Explanation that no skim milk is used in margarine production, 3529–3531.

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Van Houten's Cocoa. See *Cocoa.*

Vinegar. Experience of witness that the article which has subjected the grocery trade most often to prosecution lately is vinegar, *Sir W. Pink* 6631–6633. 6644–6650——View of witness that in fixing a standard for vinegar the amount of acetic acid and sulphuric acid allowable should be stated; proposal that malt vinegar and white wine vinegar should be protected by having an exclusive right to those descriptions, leaving the term "vinegar" to embrace all mixtures with acetic acid, *Blyth* 7725–7732——Necessity of there being a certain small amount of acetic acid in vinegar, *A. W. Stokes* 7945, 7946.

W.

Warranty. Disapproval of Sir Charles Cameron's Bill, the clauses as to warranty being very unsatisfactory; a limitation of the period of warranty for perishable goods and goods sold in bulk would, however, partially meet witness' objections, *Rogers* 5964–5972. 6074 *et seq.*; 6166–6197. 6223–6225——View of witness that invoices between wholesale and retail traders should not be taken as a warranty after a certain time from the opening of the package, *Preston* 6494.

Importance to the retail trade of a warranty being defined by Act of Parliament; contention that every invoice for goods should be made the warranty from the seller to the retailer, and should hold the retailer free from the consequences of selling the goods, *Sir W. Pink* 6974 *et seq.*; 6641–6643. 6651–6662——Belief that the difficulty as to a warranty in the case of goods delivered day by day for six months under a standing contract can be overcome, *ib.* 6621–6624——Desirability of the ordinary invoice being made a warranty in itself, as a small trader of narrow means cannot demand a warranty; instances showing the necessity of altering the law in this respect, *Williams* 6750–6759. 6822–6824.

Watson, William George. (Analysis of his Evidence.)—Representation by witness of the Maypole Dairy Company, which has about sixty retail shops throughout the North of England, Scotland, Ireland, and the Midlands, 4030–4032——Sale by the company mainly of butter and margarine, the former being made from creameries, chiefly in Ireland, or imported from Denmark or Sweden, 4033–4038.

Contention that retailers of margarine should not be prosecuted nor liable to imprisonment under the Sale of Food and Drugs Act when they supply margarine properly and distinctly labelled, 4036–4050. 4104–4109. 4124, 4125——Careful precautions taken by the Maypole Company that their assistants do not sell margarine for butter; instances of hardship upon the company in having been fined for the default of the latter, who should be made liable, 4039, 4040. 4046, 4047. 4080–4083. 4091–4097. 4143–4148——Very limited extent to which purchasers ask for margarine, as they almost invariably ask for "fivepenny;" sale of 60 per cent. of the margarine at 5*d.* per pound, 4041, 4042. 4111. 4149–4151.

Suggestion that the word "Margarine" be printed in very large letters on the paper in which the margarine is wrapped, but that it be permissible to put some brown paper round it, as generally desired by the customers, 4043–4045. 4049, 4050——Sufficiency generally of the Margarine Act, if rigorously administered, for the prevention of fraud, 4048, 4049. 4106.

Proposals for a more efficient investigation, under central authorities, by means of travelling inspectors, with increased facilities for complaints by the public and for the purchase of samples, 4051–4055——Expediency of the trade having full permission to colour margarine in order to suit the public taste; denial that it is coloured in order to imitate butter, 4056–4058. 4162–4169. 4187–4196——Approval of specially shaped boxes, properly branded, in which margarine should be packed; objection to packages or boxes of less than seven pounds, 4059–4061. 4017–4020. 4121–4123. 4132–4136.

Separate counter in the shops of the Maypole Company for the sale of margarine, 4062. 4066–4070. 4111–4115——Discontinuance by the company of an experiment in mixing the margarine, instead of buying it ready mixed, 4063–4065. 4170–4176.

Reduction from 22 to 16 per cent. in the quantity of water in butter made at one of the company's creameries in Ireland, this having been effected by the use of ice-cold water; great expense if ice were used, 4071 4079. 4155–4161. 4179–4181——Reason for the less water in Danish than Irish butter, ice being readily available, 4078, 4079. 4159–4161——Efficiency and integrity of the local inspection of margarine shops, 4083–4086. 4090. 4109, 4110——Decreased mixture of margarine with butter; approval of such mixture, pure margarine being far superior to common butter, 4098. 4108. 4170–4176——Great increase in the import of butter from the colonies, the price generally having largely fallen; sale of fresh butter by witness' company at 10*d.*

and

Report, 1895—*continued.*

Watson, William George. (Analysis of his Evidence)—*continued.*

and 11*d.* per pound, 4097-4103. 4152-4154. 4178. 4182-4186——Decreased sale of margarine, as compared with butter, 4103.

Inconvenience of separate counters for margarine in small shops; advantage, in so far as the public would gradually learn to appreciate the article more and more, 4107. 4111-4118. 4130, 4131——Opinion that butter will keep better when the percentage of water is low, 4119, 4120——Decided preference of the public for good margarine at 5*d.* a pound, as compared with cheap and inferior butter, 4126-4129.

Explanation that witness does not profess to represent the Manchester Margarine Defence Association, 4139-4142——Very similar quality and price of Irish butter and Danish butter, as sold by the Maypole Dairy Company, 4152-4154. 4177, 4178.

Webb, Joseph Rideal. (Analysis of his Evidence.)—Witness is vice chairman of the Provision Section of the London Chamber of Commerce, and chairman of the cheese sub-committee of the Home and Foreign Produce Exchange Company, Limited, 3850-3854.

Prejudicial effect of the importation of imitation or filled cheese on the home trade; statement hereon that the largest quantities of spurious cheese come from America, and that smaller supplies come from Hamburg and Holland, while there is a considerable production in Scotland, 3855, 3856. 3909-3916——Explanation that filled cheese is made from skimmed milk, and that in order to disguise the poverty of the article there is an addition of lard, oleo oil, or other foreign fat; belief that the result is not a wholesome or suitable article of food, 3857 *et seq.*; 3917 *et seq.*

Opinion that the filled cheese is kept on the market, and its production is increased by unscrupulous persons, whose large primary profit is sufficient temptation to risk the ultimate losses that generally accrue at the end of the transaction, 3860-3864. 3935-3938——Action taken against the production of imitation cheese in America, its manufacture and sale being prohibited in Canada, New York State, Pennsylvania, and Massachusetts; statement that the principal supplies come from Wisconsin and Illinois, but that prohibitory legislative steps have been taken in the former State, and are being taken in the latter, 3864-3866. 3885-3895.

Contention that the Customs have no right to enter imitation cheese as cheese; particulars of the correspondence that has taken place between the Home and Foreign Produce Exchange Company and the Customs, Board of Trade, and Local Government Board on the subject, the result being unsatisfactory, 3866-3870. 3903, 3904. 3949-3951——Recommendation that as filled cheese is a fraudulent imitation of full cream cheese its manufacture, importation, and sale should be entirely prohibited, the consignments wherever found being confiscated; desirability of an appeal in case of an error on the part of the analyst, 3870-3877. 3883 *et seq.*; 3898-3908. 3920-3929.

Non-objection to the sale of skimmed cheese, as distinguished from filled cheese, it being a perfectly honest, although poor, article, 3878-3882. 3924-3929. 3939-3948——Inability of witness to see why the responsibility of looking out for and stopping adulterated goods should not be thrown upon the Customs Department, 3896 *et seq.*

Wholesale Dealers. See *Manufacturers and Wholesale Dealers.*

Williams, John. (Analysis of his Evidence.)—Witness, who is a grocer, is president of the Grocers' Association of Manchester, Salford, and District, 6707-6710.

Evidence to the effect that, in consequence of complaints in the Manchester district of the fraudulent sale of margarine, the Grocers' Association formed a vigilance committee to detect the frauds, 6711-6716——Attention drawn to the fact that while the Manchester authorities were prosecuting a member of the Grocers' Association for water in butter they overlooked the margarine frauds, 6716, 6717.

Particulars of a prosecution for water in butter, the result being that the defendant was fined 5*l.* and 5*s.* costs; difficulties of the retailer, the water not being visible in butter even to an experienced eye, 6718, 6718——Qualified success of the vigilance committee in punishing retailers for selling margarine as Irish lump butter, the two proved cases being let off with a 10*s.* fine and costs, and the association having in the third case to pay 5*l.* costs for failing to secure a conviction, 6720 *et seq.*

Opinion that the fines imposed in proved cases of fraud are totally inadequate; grounds for disapproval, however, of the fines being increased or imprisonment imposed under the present law, 6727-6731. 6825-6828——Recommendation that manufacturers, merchants, and dealers shall be subject to a penalty if they have margarine on their premises in any other form than brick-shaped pieces of a pound and half a pound, each duly labelled "Margarine," excepting quantities of less than eight ounces; uncertainty of colouring as a means of identification, 6732-6735. 6789-6796. 6821. 6830.

Report, 1895—*continued.*

Williams, John. (Analysis of his Evidence)—*continued.*

Complaint of the inequality in the incidence of the fines for the sale of margarine as butter, the poor shopkeepers being fined sums that mean ruin to them, while the men who are conducting the fraud on a large and profitable scale escape with comparatively nominal fines, 6736–6738. 6745–6750 —— Conclusion that the margarine sold as Irish lump butter is flavoured in England and sent to Ireland, whence it is imported in the ordinary way of trade as the genuine article, 6738 *et seq.*

Information respecting Vernon's case, where the defendant was fined only 40*s.* and costs for selling margarine as butter; opinion that the new system of having marble blocks, one labelled "Pure butter" and the other "Margarine," to serve behind, is far from being a safeguard to the purchaser, 6742-6747——Desirablity of the ordinary invoice being made a warranty in itself, as a small trader of narrow means cannot demand a warranty, 6750–6759. 6822-6824.

Grounds for the opinion that the sale of mixtures of coffee and chicory should not be interefered with; anticipation that any law compelling the percentage of coffee and chicory in each mixture to be stated on the label would not work, 6760–6788. 6840, 6841——Suggestion that no mixture of margarine and butter should be allowed that has more than six per cent. of butter in it, 6796–6805. 6829.

Recommendation that all butter and margarine be examined at the port of entry by the officials, 6806, 6807——Necessity of there being travelling inspectors to encourage the local authorities to carry out the law, and of samples being taken from hotels, restaurants, wholesale houses, manufactories, &c., 6808–6815. 6831, 6832. 6842–6844.

Advisability of the Margarine Act being prominently displayed in shops, and of any assistant infringing it being made liable for the penalty inflicted, 6815–6820. 6833–6839——Desirability of the result of an analysis being communicated to the vendor and wholesale dealer or manufacturer within three days of the sample being taken, 6819, 6820.

Wilson, Hartley. (Analysis of his Evidence.)—Witness is president of, and represents, the local association of the Liverpool and District Grocers' and Provision Dealers' Association, 7280–7282.

Request that shopkeepers may be put upon the same footing as the public by the invoice being constituted a warranty; statement that retailers at Liverpool do not adulterate, and would be only too glad to co-operate with the authorities, 7283–7289. 7406-7410——Contention that all imported goods should be examined at the port of entry and stopped if found to be adulterated or injurious to health; injustice on the part of the authorities in allowing such goods to pass, and then fining tradesmen for selling them, 7290–7296.

Desire that when there is a conflict of evidence the magistrate should be compelled to refer the sample in dispute to Somerset House, 7297 *et seq.*——Satisfaction with the analyses made at Somerset House; opinion that the local public analysts are not as a rule very careful, 7297 *et seq.*

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FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

HOUSE OF COMMONS (VACATING OF SEATS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND AN

APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
20 *May* 1895.

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272.

House of Commons (Vacating of Seats).

Ordered,—[*Monday, 25th February* 1895]:—That a Select Committee be appointed to inquire and Report on the circumstances attending the issue of the Writ for the Attercliffe Division of Sheffield on the 26th day of June 1894, and also to inquire into the Law and Practice of Parliament in reference to the Vacating of Seats in the House of Commons, and whether it is desirable that any, and, if so, what, changes should be made therein.

Committee nominated of—

Mr. Secretary Asquith.
Mr. Attorney General.
Mr. Balfour.
Sir James Carmichael.
Mr. Chamberlain.
Mr. Curzon.
Sir Charles Dilke.
Mr. John Ellis.
Mr. T. M. Healy.
Sir Henry James.
Mr. Grant Lawson.
Mr. MacNeill.
Sir George Osborne Morgan.
Sir John Mowbray.
Viscount Wolmer.

That the Committee have power to send for Persons, Papers, and Records.

That Five be the Quorum of the Committee.

Ordered,—[*Monday, 18th March* 1895]:—That the Minutes of Evidence taken before the Select Committee on the House of Commons (Vacating of Seats), in Session 1894, be referred to the Select Committee on House of Commons (Vacating of Seats).

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FIRST REPORT.

THE SELECT COMMITTEE appointed to inquire and Report on the circumstances attending the issue of the Writ for the Attercliffe Division of Sheffield, on the 26th day of June 1894, and also to inquire into the Law and Practice of Parliament in reference to the Vacating of Seats in the House of Commons, and whether it is desirable that any, and if so, what changes should be made therein;——HAVE made progress in the matters to them referred, and have agreed to the following FIRST REPORT:—

1. YOUR Committee have thought it desirable to present a first and separate Report on the question, how far the succession to a Peerage affects the status of a Member of the House of Commons, reserving the other matters referred to them for a further Report. Upon this question they have arrived at the following conclusions:—

2. That the fact of succession to a Peerage of England, or of Great Britain, or of the United Kingdom, disables the person so succeeding from being elected to, or from sitting or voting in, the House of Commons.

3. That it has been the general practice of the House of Commons to abstain from declaring the seat of a Member vacant, and ordering a fresh election in his room, on the ground of succession to a Peerage entitling the holder to sit in the House of Lords until the Member has been "called up to the House of Lords" by receiving a writ of summons from the Crown to sit in that House. The reason for the practice appears to your Committee to be, not that the mere fact of succession does not in itself disable the Member so succeeding, but that the occurrence of that fact with its disabling consequences ought not to be assumed and acted upon without clear proof, and that the writ of summons, in cases in which such a writ can be issued, is the best and safest proof of which the circumstances admit. The rule, in other words, is a rule not of law but of evidence. Where, as in the case of a Scotch Peerage, the succession does not entitle the holder to sit in the House of Lords, and there can therefore be no writ of summons, the House of Commons has (since the Act of Union with Scotland) been accustomed to declare the seat vacant upon such evidence of the death of the predecessor, and of the succession of the Member affected, as it thought fit and sufficient.

4. That when a Member has succeeded to a Peerage entitling him to a seat in the House of Lords, and delays or refuses to apply for a writ of summons, the House of Commons is entitled, and may, in the interest of the constituency, be bound to ascertain the fact of the succession by such inquiry and upon such evidence as it considers appropriate to the case.

5. That your Committee do not think that the Order of Reference requires them to express any opinion upon the question whether, and under what conditions (if any), a person succeeding to a Peerage ought to be allowed to divest himself of the disability arising from the status of a Peer for membership of the House of Commons. It follows, from the propositions above stated, that the existing law and practice of Parliament do not, in their opinion, admit of such a proceeding.

20 *May* 1895.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 19*th March* 1895.

MEMBERS PRESENT:

Mr. Secretary Asquith.	Mr. John Ellis.
Sir John Mowbray.	Mr. Chamberlain.
Sir Henry James	Mr. Curzon.
Sir James Carmichael.	Viscount Wolmer.
Mr. T. M. Healy.	Sir Charles Dilke.

Mr. SECRETARY ASQUITH was called to the Chair.

The Committee deliberated.

[Adjourned till Friday, 17th May, at a Quarter-past Three o'clock.

Friday, 17*th May* 1895.

MEMBERS PRESENT:

Mr. SECRETARY ASQUITH, in the Chair.

Mr. Attorney General.	Mr. Grant Lawson.
Sir Charles Dilke.	Mr. Swift MacNeill.
Sir John Mowbray.	Mr. Curzon.
Mr. John Ellis.	Mr. Balfour.

The Committee deliberated.

[Adjourned till Monday next, at Half-past Two o'clock.

Monday, 20*th May* 1895.

MEMBERS PRESENT:

Mr. SECRETARY ASQUITH, in the Chair.

Sir John Mowbray.	Mr. T. M. Healy.
Sir Charles Dilke.	Mr. Balfour.
Mr. John Ellis.	Mr. Grant Lawson.
Sir Henry James.	Mr. Attorney General.
Mr. Curzon.	

DRAFT FIRST REPORT, proposed by the *Chairman*, read the first time, as follows:—

"1. YOUR Committee have thought it desirable to present a first and separate Report on the question, how far the succession to a Peerage affects the status of a Member of the House of Commons, reserving the other matters referred to them for a further Report. Upon this question they have arrived at the following conclusions:—

"2. That the fact of succession to a Peerage of England, or of Great Britain, or of the United Kingdom, disables the person so succeeding from being elected to, or from sitting or voting in, the House of Commons.

"3. That

"3. That it has been the general practice of the House of Commons to abstain from declaring the seat of a Member vacant, and ordering a fresh election in his room, on the ground of succession to a Peerage entitling the holder to sit in the House of Lords until the Member has been 'called up to the House of Lords' by receiving a writ of summons from the Crown to sit in that House. The reason for the practice appears to your Committee to be, not that the mere fact of succession does not in itself disable the Member so succeeding, but that the occurrence of that fact with its disabling consequences ought not to be assumed and acted upon without clear proof, and that the writ of summons, in cases in which such a writ can be issued, is the best and safest proof of which the circumstances admit. The rule, in other words, is a rule not of law but of evidence. Where, as in the case of a Scotch Peerage, the succession does not entitle the holder to sit in the House of Lords, and there can, therefore, be no writ of summons, the House of Commons has (since the Act of Union with Scotland) been accustomed to declare the seat vacant upon such evidence of the death of the predecessor, and of the succession of the Member affected, as it thought fit and sufficient.

"4. That when a Member has succeeded to a Peerage, entitling him to a seat in the House of Lords, and delays or refuses to apply for a writ of summons, the House of Commons is entitled, and may, in the interest of the constituency, be bound to ascertain the fact of the succession by such inquiry and upon such evidence as it considers appropriate to the case.

"5. That your Committee do not think that the Order of Reference requires them to express any opinion upon the question whether, and under what conditions (if any), a person succeeding to a Peerage ought to be allowed to divest himself of the disability arising from the status of a Peer for membership of the House of Commons? It follows, from the propositions above stated, that the existing law and practice of Parliament, do not, in their opinion, admit of such a proceeding."

DRAFT FIRST REPORT, proposed by Mr. *George Curzon*, read the first time, as follows:—

"1. THAT, whilst it has not been the practice of Parliament for a Peer, after succession to a Peerage, to sit in the House of Commons, there appears to your Committee to be no legal disqualification nor statutory penalty for so doing.

"2. That the issue of a writ of summons to the House of Lords, has been habitually considered as the necessary proof of succession to a Peerage; indicating that the disqualification of a Peer from sitting in the House of Commons arises not from the fact of succession, but from the assumption of disqualifying service.

"3. That the House of Commons has never dispensed with the proof furnished by the writ of summons except upon two occasions: (*a*) In the case of General Bertie in 1809, when the writ was superseded on the next day; and (*b*) in the case of Viscount Dursley, in 1811, when the House of Lords disallowed the claim of Lord Dursley to the Earldom of Berkeley, and when, therefore, his seat had been vacated under error, and that the writ of summons being a valuable safeguard should continue to be required by the House of Commons.

"4. That the House of Commons has never instituted and will be ill-advised if it henceforward institutes, an independent inquiry into the fact of succession, which shonld be dealt with by the House of Lords.

"5. That in view of the unequal privileges, including the right of election to the House of Commons, enjoyed by the Irish Peers, and of the disabilities imposed upon the Scotch Peers, it is desirable that the English and Scotch Peers should be accorded the privileges, in respect of sitting in the House of Commons, already enjoyed by the Irish Peers."

DRAFT FIRST REPORT, proposed by Mr. *Swift M'Neill*, read the first time, as follows:—

"1. THAT the succession to a Peerage of England or of Great Britain or of the United Kingdom does not disable the person so succeeding from being elected to, or from sitting or voting in, the House of Commons until he has been called up to the House of Lords, and has received a writ of summons from the Crown to sit in that House.

"2. That it has been the general practice of the House of Commons to abstain from declaring the seat of a Member vacant and from ordering a fresh election in his room until the Member has been 'called up' to the House of Lords by receiving a writ of summons from the Crown to sit in that House.

"3. That when a Member has succeeded to a Peerage qualifying him for a seat in the House of Lords, his legal status as a Member of the House of Commons remains unchanged till the issue of a writ of summons from the Crown to sit in the House of Lords.

"4. That the issuing or the withholding of such writ of summons is a matter often prerogative, and its exercise is absolutely within the discretion of the Crown."

Motion made, That the Draft Report proposed by Mr. Curzon be read a second time—(Mr. *Curzon*).

Amendment proposed, to leave out the words "Mr. Curzon," and insert the words "The Chairman."

Question put, That the words "Mr. Curzon" stand part of the Question.—The Committee divided:

Ayes, 3.	Noes, 6.
Mr. Curzon.	Mr. Balfour.
Sir Charles Dilke.	Mr. John Ellis.
Mr. MacNeill.	Mr. T. M. Healy.
	Sir Henry James.
	Mr. Grant Lawson.
	Sir John Mowbray.

Question, That the words "The Chairman," be there inserted.—put, and *agreed to.*

DRAFT FIRST REPORT, proposed by the Chairman, read a second time, paragraph by paragraph.

Paragraph 1.—Amendment proposed, in line 4, after the word "arrived," to insert the words "with much doubt"—(Sir *Charles Dilke*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 4.	Noes, 6.
Mr. Curzon.	Mr. Attorney General.
Sir Charles Dilke.	Mr. Balfour.
Mr. Grant Lawson.	Mr. John Ellis.
Mr. MacNeill.	Mr. T. M. Healy.
	Sir Henry James.
	Sir John Mowbray.

Paragraph 1, *agreed to.*

Paragraph 2, *agreed to.*

Paragraph 3.—Amendment proposed, in line 10, to leave out from the word "Where," to the end of the paragraph—(Mr. *Curzon*).—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

Ayes, 7.	Noes, 3.
Mr. Attorney General.	Mr. Curzon.
Mr. Balfour.	Sir Charles Dilke.
Mr. John Ellis.	Mr. MacNeill.
Mr. T. M. Healy.	
Sir Henry James.	
Mr. Grant Lawson.	
Sir John Mowbray.	

Paragraph 3, *agreed to.*

Paragraph 4, *agreed to.*

Amendment proposed, That the following new paragraph be inserted in the Report:—"But it appears to us that it would be better in future that steps should be taken to expedite the issue of the writ of summons by the Lord Chancellor, than that an independent inquiry should be entered into by the House of Commons"—(Mr. *Grant Lawson*).—Amendment, by leave, *withdrawn.*

Paragraph 5, *agreed to.*

Question, That this Report be the First Report of the Committee to the House,—put, and *agreed to.*

Ordered, To Report, with an Appendix.

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APPENDIX.

APPENDIX, No. 1.

PAPER handed in by the *Chairman*, 19 March 1895.

Nobility of Blood and the Succession to Honours.

The inquiry into the legal question at what moment a Peer by succession, being a Member of the House of Commons, vacates his seat in the Lower House of Parliament has raised wider issues, viz.: What has been and is the status of our hereditary peerage? Does it, or does it not, constitute an order in the state to which are added certain life members, styled Lords of Parliament? Is Nobility of Blood, once legally conferred by the Sovereign, as much inherent at the present day in the successor, unless forfeited according to the ancient law of England, as in the days when Acts of Parliament for the restitution of blood were common? If that law has been changed, when was it changed, and how? And in what way does the peerage within the different realms of the United Kingdom differ from the various continental peerages?

It will be convenient to answer the last question first.

Those who contend that the direct heir of a peerage does not become disqualified to sit in the House of Commons on his predecessor's death, but only when he receives his summons, maintain also that nobility of blood has never had full legal recognition in England, because under our law only one of the family at a time can succeed to the peerage, and the younger children, though distinguished by honorary additions to the family name, take their place like other subjects, gentle and simple, among the Commonalty of the realm. But on the Continent, as with us, the heir only could succeed to the title and office of the peerage.

The fatal difference in the customary law of foreign aristocracies was this, that between those of noble blood, not being peers, and the Commonalty a great gulf was fixed. The younger children, endowed with only a potential and latent claim not likely to be realised, did not, as with us, unless and until the claim matured, remain in the ranks of the Commons, and share in their pursuits and duties. They were held to derogate from their rank by taking part in commerce and useful industries. And in France they and all their descendants formed a privileged class exempt from taxes, and enjoying an almost exclusive right to political, military, and naval office, failing which it was held more honourable for them to idle in indigence than contend on equal terms in open professions and trades. This body at length became so numerous that such employments, however multiplied, necessarily remained too few, and an Exchequer rendered bankrupt by wars of aggression had recourse to the sale of offices to raise the revenue, which diminished the existing supply to nobles too indigent to buy a place. This deep-rooted prejudice was a fatal defect, not so much in law as in custom and sentiment. In Britain, on the contrary, noblemen and gentlemen engaged without reproach in commerce, and distinguished merchants were raised to the peerage for public service. Edward III. made the London citizen De la Poole, who financed and furthered his expeditions against France, an Earl, and his successors of the House of Suffolk eventually married into the Blood Royal. The professions and public service were open to men of gentle and even simple blood, who were not debarred from the highest promotion, and there was nothing to hinder the reward of talent in the lowly born. Nobility of blood is nevertheless an acknowledged part of our law in modern times as in the middle ages, and it may be useful to cite the recent action of the House of Lords in 1839, which shows that it not only has been, but is still, recognised as inherent in the successor, unless forfeited according to law.

The Barony of Braye.

The Braye peerage was a barony by writ created by Henry VIII. Sir Reginald Braye, the father of the first baron, had been both a main instrument in advancing Henry VII. to the throne, and a trusted councillor, after his assumption of the crown. His nephew and heir, Edmund, was summoned to the House of Lords in 1829, and sat in successive Parliaments till his death. His son John, the second Baron Braye, died without issue, leaving seven sisters co-heiresses, of whom the elder six were married, and five left issue. The barony thereupon fell into abeyance, and so remained from 1557 to 1839. Anne, the eldest sister, married George Brooke, Lord Cobham, but the two grandsons of Anne, Henry Lord Cobham and George Brooke, were attainted for treason in 1603, consequently they could not transmit to their issue any claim to the peerage.

The Sovereign can, at discretion, call up to the House of Lords the representative of any one of several co-heiresses, though, *cæteris paribus*, the summons most usually has been granted to the representative of the eldest co-heiress. Formerly the husband of an heiress or co-heiress was summoned (which terminated the abeyance) to serve for her in the House of Lords, and sat under her title, as in the familiar case of Sir John Oldcastle, who sat in the House of Lords as Lord Cobham in right of his wife, Baroness Cobham.*

In

* In the case of the Barony of Cromwell, Sir Humphrey Bourchier, husband of the younger co-heiress Joan, was summoned to the House of Peers in preference to Sir Thomas Nevill, husband of the elder Elizabeth.

In 1836 Mrs. Otway Cave claimed to be descended from Elizabeth, the second of the sisters, and petitioned the Crown to determine the abeyance of the barony of Braye in her favour, and in due legal course Lord Glenelg, by the King's command, presented the petition to the House of Lords, together with His Majesty's reference thereof to the House, and the report of the Attorney-General thereunto annexed.

Whereupon other claimants appeared. Sir Wm. Boothby claimed to be descended from Anne, the eldest of the sisters, and endeavoured to get over the difficulty of the corruption of blood on the plea that the attainder had been reversed, apparently relying on the Act of General Pardon, passed in 1610, but treasons and conspiracies of treason, not already pardoned, were specially excepted from the benefit of the Act. George Brooke, Anne's younger grandson, from whom Sir Wm. Boothby was descended, was beheaded, but his son, William Brooke, was knighted, and therefore his blood was so far redeemed as to be made gentle by the conferring of that honour, but it does not seem to have been restored to nobility.

The other claimants were Sir Percival Hart Dyke, who established his descent from Frideswide, the third of the sisters; the Duke of Bedford and Sir Francis Vincent, who claimed respectively as heir of Dorothy, the fifth, and Frances, the sixth sister. Mary, the fourth sister, was childless. (68 "Lords Journal," pp. 11, 38, 487.)

The decision to which the House of Lords came was as follows :—

> Resolved and adjudged by the Lords Spiritual and Temporal in Parliament assembled . . . . That the Petitioner Sarah Otway Cave has proved her descent from Elizabeth, the second daughter of the said Edmund Lord Braye, and that the Petitioner Sir Percival Hart Dyke has proved his descent from Frideswide, the third daughter of the said Edmund Lord Braye; and that it appears that there are descendants now living of Anne, the eldest, and of Dorothy and Frances, two younger daughters of the said Edmund Lord Braye; and that the barony is in abeyance between the said Sarah Otway Cave, Sir Percival Hart Dyke, and the descendants of the said Dorothy and Frances, and of the said Anne, if the effect of an attainder of the grandson of the said Anne has been removed. (71 "Lords Journal," p. 647.)

The Crown in 1839 allowed the barony to Mrs. Otway Cave, representing the second sister. Since that time the barony has again been in abeyance, but again Her Majesty has thought fit to terminate the abeyance in favour of the representative of this ancient creation by writ.

The fact is that the whole law of succession to property as well as to honours is founded on blood relationship, but the law of the succession to honours is not the same as that of the succession to property. The law of the succession to the honours and duties of the peerage grew up in troubled times and aimed at making the lord strong for the maintenance of peace and good government within the county or district for which he was responsible, strong for the support of the Crown against domestic treason and civil war, strong to defend the realm and the foreign possessions of his Sovereign against external foes. The fief, therefore, passed undivided and, if possible, to male hands.* So deeply was this need felt, that if a Baron died leaving no heirs male, but daughters only, and some were married in the lifetime of their father, the King had the right of giving an unmarried daughter to one of his knights, and making her sole heir to her father; or the Crown might terminate the abeyance by summoning to the House of Lords the husband of any one of the married daughters. The Church used its influence in the interest of peace in favour of fixed rules of succession according to the Mosaic law instead of election by the warriors within the royal family with a preference for the eldest son, and failing sons for the eldest agnate, which led to perpetual strife; and with regard to female heirs the Church regarded the prescriptions of chapter 36 of Numbers as of divine saction. In England, and wherever the Norman was dominant, the right of the woman to succeed, in default of direct heirs male, came to be acknowledged. For the generous Scandinavian strain beyond the other branches of the Teutonic family greatly honoured womanhood, and their ladies constantly exhibited virtues which, in other races, were shown by experience to be more strictly confined to the sex masculine. On the continent, apart from Norman influence, the claim of a female to the leadership, the duties of which she could rarely discharge in person, was less frequently admitted, and as a general rule failing sons the eldest agnate was the heir. The nobility of France and citizens of Paris declared that the Crown of France was too noble and high an honour to fall under the distaff, and they would not even allow the heiress to transmit her rights to a full grown son, but in England it was precisely to the Crown that this claim of females came to be admitted, and in the case of Mary I. placed the freedom of the nation in a jeopardy which must have ended in disaster had she not died early and childless.

But there were always two conceptions struggling in the minds of men, which led to many local wars of succession, distinguished as the claim by representation and the claim by proximity. Should he who represented the eldest son or he who was nearest to the first holder of the honour succeed? To put the simplest case, if the eldest son died before his father, should his eldest son (often not of ripe age), the grandson of the last holder, succeed by representation of the eldest line, or the next son of the last holder by proximity being a generation nearer to the common ancester who held the honour last, and therefore to him in whom the honour began? This difference of idea might be complicated by either claimant being a woman. France was fruitful in such disputes, which, when not settled by the sword, were supposed to be settled according to the custom of the fief. The lawyers at Paris, however, always determined the custom of the fief to be that which made for the interest of the Crown, whence they looked for reward. Thus, in the case of the succession of Artois, they gave a decision on account of proximity, that is to say in favour of a daughter over the deceased eldest son's son though he was of full age, because that daughter was married to a scion of the royal house; and in Brittany for the same reason they gave it on account of representation in favour of the daughter of the eldest son deceased of Duke Arthur II. in preference to his second son born of a second wife, whose claim by proximity and sex were indisputable. Our King John claimed the crown of England by proximity, over the right of Arthur, child of his elder brother Geoffrey, deceased, and in Scotland, whilst Balliol claimed the throne as grandson of the eldest daughter of the grandson of David I., his claim was disputed by Bruce, son of the second daughter, and therefore a generation nearer the fountain head. A century later John of Gaunt betrayed the design of claiming the throne by proximity in preference to Richard II. (who was only eleven years old), son of the Black Prince, his eldest brother deceased, and to Roger Mortimer, Earl of March, son of Philippa, sole heir of his elder brother, Lionel, Duke of Clarence, both deceased. But the hero of Créci, Poitiers, and Najara was too dear to the heart of the nation for any scheme to set aside his only son to have a chance of success. But my Lord of Spain, as John of Gaunt was styled in right of his second wife, was carefully excluded from the Executive Council established on the death of Edward III. and from the list of the Triers of Petitions in the ensuing Parliament. Roger Mortimer, the heir presumptive whilst Richard had no issue, was appointed Lord Deputy in Ireland, and was there slain in 1398, the year before Richard was deposed. At that crisis Roger's son Edmund was but a child of seven, and so was lightly set aside by the victorious Bolingbroke, who seized the Crown, with the assent of the armed barons, too deeply compromised to favour any other settlement, and the nation acquiesced in a decision which gave them a wise ruler and a vigorous guardian of domestic peace. But in the Yorkist Parliament assembled after the decisive battle of Towton (1st Edward IV. 1461), Edmund Mortimer was declared in Parliament to have been the lawful heir to the throne after

* Bracton says that Baronies are the strength of the realm, and suffer no division. They suffer also no alienation without the consent or license of the monarch. Land alienated without license was forfeited to the King. Judge Greene so declared the law in the case of the Barony of Brember, temp. Edward III.

after the murder of Richard II., which gave explicit constitutional sanction to succession to the Crown by representation through females in harmony with the then long established law of succession to lower dignities.* So much for the origin of the law of succession to honours. With us succession by representation, with preference for males, became the established law. But in Peerages created by patent, the succession was generally limited to the heirs male, being legitimate, begotten of the first Peer; and Peers by writ were sometimes allowed to entail lands and honour on their heirs male, as in the case of Thomas Beauchamp, Earl of Warwick, anno 18 Edward III.

Two comparatively recent cases of disputed right within the English peerage are next stated for the purpose of showing by the arguments used and decision given what the status of a peer and the law of succession were then held to be by the highest legal authority, and to show further: That a peerage ought not to be surrendered, and cannot be alienated, though it can be extinguished by Act of Parliament: that the right of summons is *ex debito justitiæ*, and if claimed, ought not to be withheld. For it is obvious that when there was only one House of Parliament, and even after there were two Houses, until the House of Commons obtained equal authority, the monarch could have packed his Parliament by withholding the writs of those he thought likely to oppose his policy, to the subversion of the liberties of the realm.

The first case cited is that of the Barony of Ruthyn.

Lord Grey of Ruthyn's Case, 1640.†

Mem.—That in this Parliament a question was moved concerning the barony of Ruthyn, where the case was, That one being created a baron to him and his heirs, hath issue a son and daughter by one venter, and a second son by another venter, and the eldest son hath the barony, and sits in Parliament, and afterwards dies without issue, whether the second shall have that dignity as heir to his father, or the sister shall have it as *possessio fratris* in lands, &c., and desired to have the opinion of the judges therein?

And all the judges resolved, That there is not any *possessio fratris* of a dignity, but it shall descend to the son; for the younger son is *hæres natus* and the sister is only *hæres facta* by the possession of her brother of such things as are in demesn, but not of dignities and such like, whereof there cannot be an acquisition of the possession.

Now this is law for these reasons:—

1stly. Because he that will in case of an honour make himself a title, must make himself direct heir to him in whom the honour began, and not to him who did last use the name, otherwise he cannot be entitled to precedency.

2ndly. From the reason of the inheritance the rule of *possessio fratris* doth only hold in those things whereof there may be greater possession gained than what descended. Honour is an inheritance inherent in the blood, whereof an action auncestrel (*sic*) does not lie, whereof a man is as much in possession before he is lord as after.

3rdly. He that claims an honour must prove it by record; baron or no baron is to be tried by record. The record is in him that was first created baron, so his heir, and not the heir of the last possessor, is heir to him in whom the record began.

4thly. The precedents of all times run contrary to the rule of *possessio fratris*. The common law doth not apply to the descents of honour. It doth to other gross inheritances as will appear.

1. In the highest case of dignity, that of King, this rule holds not. For we see both Mary and Elizabeth succeeded their brother King Edward VI., though they were all of different venters when the issue of the whole blood was the sister of Henry VIII. (Margaret) married to James IV., King of Scotland.

2. In the lowest degree of dignity, or bearing arms, the brother of the half blood will bear without difference notwithstanding the possession of the elder brother.

3. The precedents of all times have gone that way, as will appear in the descents of the Lord Fitzwalter Lord Mortimer of Wigmore, Lords Wells, Fauconberg, Ogle, and De la Ware twice solemnly adjudged; and if this point should be shaken there are few of the ancient honours of England but must lose their pleasant places.

Now he that will consider this argument will find that though the half blood differs from *possessio fratris*, yet the reason of law is the same.

In consequence of this opinion of the judges, the House of Lords came to two resolutions on the 1st February 1640.

Resolved, *nem. con.*, That no person that hath any honour in him, and a peer of this realm, may alien or transfer the honour to any other person.

Resolved, *nem. con.*, That no peer of this realm can drown or extinguish his honour (but that it descend to his descendants), neither by surrender, grant, fine, nor any other conveyance to the King (4 "Lords Journal," p. 150.)

Case of Robert Villiers, *alias* Danvers, Viscount Purbeck.‡

The following proceeding took place at the Court of Whitehall on the 20th September, 1660.

Whereas it was represented to His Majesty in Council that Robert Villiers, *alias* D'Anvers, had humbly desired that he might surrender and resign unto His Majesty the title and honour of Viscount Purbeck, and all other honours and titles as well in possession as in remainder. It was thereupon ordered by His Majesty in Council that he should proceed to surrender all his said honours unto His Majesty by levying a fine or other conveyance of the same accordingly in due course of law. (Collins' "Claims to Baronies, 293.")

This Robert Villiers was elected to the House of Commons for Westbury, Wilts, 4 January, 1658-9, and was described as Robert Danvers, Esq., of Bassetsbury, county of Bucks. But on 12 February, 1658-9, he was disabled from sitting by Resolution of the House of Commons and a new writ was ordered.

The

* Some writers allege that Roger Mortimer was proclaimed heir to the throne in Parliament in the 9th year of Richard II. That was a precaution likely to be taken against the ambition of Lancaster, but there is no trace of it in the Rolls. These, however, are imperfect, and were sometimes tampered with.

† Collins, "Claims of Baronies," p. 272, note, extracted from Judge Croke's Reports, vol. iii. p. 601, which is founded on Co. Litt 15b. and Co. Rep. lib. iii. fol. 42.

‡ Shower, "Cases in Parliament," pp. 1—11, and Collins' "Claims of Baronies," pp. 293–306.

The Resolution ran as follows:

> That Mr. Robert Villiers returned by the name of Robert Danvers to serve as a Member of the present Parliament for Westbury, in the county of Wilts, he for his delinquency expelled the House, and that he be disabled from sitting as a Member of this present Parliament, or in any other Parliament for the future. (7 "Commons Journal," p. 602.)

The question for committing him to the Tower was negatived on a division.

Nevertheless, he was again elected, though for another constituency, viz., Malmesbury, Wilts, 3 April 1660, in the next Parliament, which was summoned to meet at Westminster 25 April, and was dissolved 29 December 1660, and he was again described as Robert Danvers, Esq., of Bassetsbury, county of Bucks.

On the 7th July 1660 [8 "Commons Journal," p. 84] the House ordered it to be referred to the Committee of Privileges to examine the business touching Robert Danvers, Esq., elected for the borough of Malmesbury, and to state matter of fact, and report it to this House whether it be fit to issue forth a new writ for electing of a member to serve in this Parliament in the stead of the said Robert Danvers.

The Committee do not seem to have made any report.

In the meantime Lord Purbeck's case had been referred by the House of Lords to the Committee of Privileges on the 9 June 1660 and on the 15th that Committee recommended his attachment on account of treasonable words alleged to have been uttered by him. The Earl of Monmouth upon his honour averred that he had heard the said Viscount Purbeck say that rather than the late king should want one to cut off his head he would do it himself. Thereupon the gentleman usher was ordered to bring him up in custody to answer to the information of high treason, which was done on the next day (16th June).

On the usher reporting that he had attached him, the House considered how he should be brought in, and he was ordered to come into his place as a Peer.

But on the usher informing the House that the said Viscount Purbeck told him that he had neither writ nor patent as a Peer and therefore knew no place he had here in this House, but was now a Member of the House of Commons: and therefore he would not come. Hereupon the House conceiving this answer and refusal to be a contempt to this House—

Ordered—"That he should be brought to the Bar as a delinquent," and accordingly he was brought in, and kneeled at the bar as a delinquent until by order of the House he was commanded to stand up.

The informations against him were then read of treason and atheism; and having leave to speak, he said:—

He valued the honour of this House very much but he hath no right himself to this honour of a Peer, because he can find no patent for any such honour in the Petty Bag Office nor any Writ. He said further "That he petitioned the King to give him leave to levy a fine to clear him of any title to that honour; and that His Majesty hath made an order to the Attorney General to that purpose":

And the reasons (he said) to induce him to this were:

1. This honour was but a shadow without a substance.
2. His small estate was unfit to maintain any such honour.
3. The noble family he comes of never owned him; neither hath he any estate from them.

As touching the information now against him, he said, he is chosen a Member of the House of Commons to serve there this Parliament, and being so, he did not know whether he should answer or no. But appealed to their Lordships whether he was to be tried here by their Lordships, or no?

The Lords were not satisfied with his statement, and he asked leave to consult counsel, whether being a Member of the House of Commons, he might answer. He was then ordered to withdraw and remained in custody.

The Attorney General gave in his report 16 July, which was referred to the Committee of Privileges, and Lord Purbeck was let out on bail. (11, "Lords Journal," pp. 58, 64, 65.)

On 25 November, 1661 (the following year), the House of Lords resolved: That the name of Viscount Purbeck, not being in the list of the names of the Lords, by which this House was called this day, it is ordered to be referred to the Committee of Privileges whether he be to sit in this House as a Peer or not. The matter then appears to have dropped and Robert Villiers some time after died.

But on the 30 April, 1675 (12, "Lords Journal," 672) the petition to the king of Robert Villiers, son and heir of Robert, and grandson of John, Viscount Purbeck, and Baron of Stoke, "showing that the Petitioner's father had been so ill advised as to cut off those honours which were conferred upon his family by the favour of your Majesty's royal ancestors, and praying to be permitted to take his place in the House of Lords" was recommended to the House of Lords by the King and referred to them together with the Attorney General's Report thereon.

The claim was opposed by the Earl of Denbigh and the Duke of Buckingham, and the proceedings lasted till 20 June, 1678, when the Original Question "Whether the Petitioner had right by law to be admitted according to his claim was superseded by the previous question passing in the negative. And the House resolved that a petition should be presented to the King to give leave to bring in a Bill to disable the Petitioner to claim the title of Viscount Purbeck.

A strong and able protest against such a proceeding in a body acting judicially was signed by seven Peers. (XIII. *Lords Journal*, p. 256.)

Throughout these prolonged proceedings the question of right and legal status was constantly prejudiced by being mixed up with the demerits of the elder Robert Villiers, which were pressed by men who had a personal interest in the case. Upon the full tide of feeling of loyalty to the Crown at the Restoration justice could hardly be expected by a recreant Peer, a republican and an approver of the execution of Charles I. These palliations of the temper, in which the question was dealt with, could hardly be admitted when the matter was re-opened in 1675.

Robert Villiers had been expelled the House of Commons, not as a Peer, but as a disloyal subject. Three undoubted Peers had sat in the House of Commons after the abolition of the House of Lords, by the Long Parliament, in 1649, viz.: the Earl of Pembroke, Lord Howard, and the Earl of Salisbury, who having been duly elected, took their seats in the House of Commons, pursuant to resolutions of that House. (6 *Commons Journal*, pp. 187, 201, 297.)

If Robert Villiers had been convicted of treason by a competent court, his blood would have been attainted and his peerage forfeited as a matter of course. It was also averred that he was illegitimate. This again was a matter of fact which, if proved, would have disposed of the question. The real matter of interest was the point of law whether an actual or prospective Peer could surrender his peerage.

The

The arguments on that matter are next given.

Dominus Rex and Viscount Purbeck. Upon a petition the question was in the House of Lords, Whether the dignity of a viscount could be surrendered to the King by a fine? It was argued at the bar by three counsel for the Petitioner, and by the Attorney General for the King.

It was argued on behalf of the Petitioner :—That a dignity cannot be surrendered to the Crown. Because

(1.) It is a personal dignity annexed to the blood and so inseparable and immovable.

(2.) A dignity was neither subject to a condition at the common law ; nor entailable by the Statute de Donis ; nor tenable by the Statute of Fines.

(3.) The title of viscount, &c., is not so much a private interest as a public right.

(A.) An honour goes not according to common law, for a dignity descends to the half-blood; there is no co-partnership of it, but the eldest takes the whole, &c. It is given for counsel and defence, it is a civil interest appointed by the civil constitution of the realm, which goes with the blood, is inherent in the blood, insomuch that it is agreed on all hands it cannot be transferred to a stranger. If a lord die, his son is introduced without the ceremonies on a creation. A peer's eldest son, and all minors, stand behind the chair of state to prepare them for sitting in the House, and because they have some title to the honour they are called Nobiles Nati. For from the first hour they fetched breath they must have nobility in them.

(B.) Every lord is not only a lord for himself but also hath a right of peerage and is a peer of the realm and therefore a peer for everyone of the House ; and therefore hath the privilege to demand his writ *ex debito justitiæ*.

(C.) The trial of baron or no baron upon any court of judicature is by the records of Parliament, but if a fine may be levied in the Common Pleas the trial is drawn *ad aliud examen*, and must then be by the records of that court. The Clerk of the Parliament always certifies if he be a baron, because he has the record before him, but he cannot certify that he is no baron because he hath not the record of that before him. The Duke of Bedford was by the authority of Parliament degraded for poverty by Act of Parliament, and not by surrender.*

(D.) No fine can be levied of a thing personal as an annuity to a man and his heirs, but a dignity is a thing personal ; and so he took notice of the difference betwixt the honours of peerage which are personal and the honours which are feodary and officiary which have reference to an office or land.

Lord Shaftesbury, speaking in favour of the Petitioner, met the argument of the Attorney-General, "That honours are within the Statute De Donis, and that honours are to be governed, as other inheritances, by the rules of the common law," by saying, the Statute De Donis was not in being until many ages after ; Beauchamp, in Richard II.'s time, being the first honour created by letters patent. He quoted the opinion of Judge Berkeley [6 February, 1640], that honours descend from the first that was seized of them contrary to the rule of other inheritances, and that honours are not governed by the rules of common law. Justice Dodoredge [in Jones, 207] is of opinion, That honours are personal dignities affixed to the blood ; the lords never yet suffered their honours to be tried by a court of law or any other where save by themselves, though their other inheritances are tried there as well as other men's. So *possessio fratris* holds of lands but not of a dignity, which is not disposed of as other inheritances. The Lord Coke is of opinion in the Bedford case, That the honour could not be taken away save by Act of Parliament, therefore it will be allowed that the concurrence of all parties concerned may extinguish this as well as other inheritances, but the concurrence of all cannot be without Act of Parliament, for the whole kingdom have an interest in the peerage of every lord. It is a dangerous doctrine to say one judicature and legislature are our own only. The House of Lords is the next thing to the Crown ; yet those that reach at that must take them out of the way first. They were voted useless and dangerous before the Crown was laid aside, and, as in the descent of the Crown, the whole kingdom have such an interest in it as the king cannot surrender nor alienate it, so in a proportionable degree, but far less, the King and kingdom have an interest in their lordships and dignities and titles. It is true they may be forfeited, but it doth not follow they may be extinguished by surrender. There be two reasons for forfeiture :

(1) There is a condition in law that they be true and loyal to the Government.

(2) Honours are inherent in the blood, and when that is corrupted, that which is inherent is taken away ; but in the case of a surrender these do not hold. For these reasons felony without clergy forfeits honours, whereas other inheritances the fees simple are lost but for a year and a day, and so are freeholds for lives, which is another clear instance that honours are not governed by rules of law.

The precedents of the surrender of peerages Earl Shaftesbury met thus :

(1) They were bare surrenders, no fines.

(2) All those were made by persons who had advantage by them, having greater honours granted them, or such whose interest was beyond seas, and therefore were willing to quit dependencies here upon good considerations that pleased them. *Et volenti non fit injuria.*

(3) All these surrenders passed *sub silentio* and never admitted of any dispute.

JUDGMENT.

It was afterwards declared, as follows :

The Lords Spiritual and Temporal in Parliament assembled, upon a very long debate, and having heard Her Majesty's Attorney-General, are unanimously of opinion and do resolve and adjudge, That no fine levied, or at any time hereafter to be levied to the King, can bar a Peer's title of honour, or the right of any person claiming such title under him that levied or shall levy such fine. (XIII. *Lords Journal*, p. 253.)

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* Another instance of Parliament dealing with a peerage occurred in the case of the ancient Barony by Writ of de la Warr, dating from 1299. Sir John Dodoredge, Judge of the King's Bench, in his "Titles of Honour" p. 104), tells us "That Thomas Lord de la Warr, being in some displeasure with William West, his nephew and sole heir (male), procured an Act of Parliament in February, 1548–9 (Original Acts No. 28), described in the index as "Disinheritance of William West during his life only," to disable him from holding any right, title, or interest by descent, revenue, or otherwise, in the lands, title, or dignity of his uncle. The reason for the uncle's displeasure and for this Act was the belief that the nephew had attempted to poison him from whom he was to inherit. The punishment was personal only, and was made not to extend to William's heirs. His eventful story is confused, for in 1556 he was convicted of plotting against Queen Mary, but in the following year he served at the siege of St. Quentin. In the 5th of Elizabeth (1562–3) an Act was passed for the restitution of his blood. In 1570 that Queen created him Baron de la Warr by letters patent, and, though the letters are missing, there is a description of his reception at Hampton Court, and in 1572 he certainly took his place as junior Baron. His heir, on succession, inherited both peerages, and claimed and obtained the precedence due to the ancient creation by writ.

The House of Lords can neither make a Peer, nor refuse a Peer his seat. But it can, like the House of Commons, provide that no unauthorised person sits or votes within its Chamber. Both Houses have a certain jurisdiction over their Members, and both require proof of identity from a new comer. In the Commons he has to produce a copy of the certificate of his return, and is introduced by two Members, who thereby testify to his being the person named in the return. In the Lords suitable proof (explained in a former paper) is required. But there is nothing to compel a Member to attend either House, short of a general summons, or call, or a special order.

The position of a Peer until he claims his peerage, has a good deal of analogy with that of a Member of the Lower House, who, being duly returned, fails to take his seat. Both are Members *de jure* though not *de facto*. Baron Rothschild was for years a Member for the City of London, although he never took his seat, because he could not comply with the Statute which required a Member, before taking his seat, to take and subscribe the Oath of Supremacy. Not that he had any difficulty in undertaking the obligation, but because of the concluding words, "and I make this Oath on the true faith of a Christian," a statement which as a Jew he could not conscientiously make. Nevertheless he was a Member duly returned, entitled to privilege *eundo et redeundo*. And so a Peer is a Peer on succession although he may fail to claim or take his seat.

The reason why a Baron, by writ, is no Baron, until he takes his seat, appears to be that his dignity was given him as a condition necessary to qualify him to discharge a high duty, to which he was summoned by his Sovereign, and if he neglected to discharge that duty he lost all claim to the dignity and *a fortiori* had no claim to transmit it to his posterity.

It must be remembered that the old theory of the constitution was that the Monarch had an absolute right to the services of his subjects, and the Stuarts were scarcely on the throne before it was necessary to declare that service abroad neither vacated the seat, nor rendered a person ineligible to the House of Commons, because the King showed a disposition to rid himself of the opposition by employing the leaders in Ireland or abroad.

A Peer by patent, on the contrary, is a Peer before he takes his seat, and remains a Peer, and transmits the honour to his posterity, whether he takes his seat or not, and, as a Peer (unless he be an Irish Peer not elected to the Upper House, to whom special privileges have been granted by Statute) is disqualified to sit and vote in the House of Commons by the ancient though unwritten law of the Constitution.

Perhaps more than enough has been cited to show that the rights of the male heir to a peerage is inherent, and accrues on the death of his predecessor in title, and that the concomitant duties and disabilities are binding on him at once notwithstanding that the House of Lords requires formal proof of his identity and legitimacy before admitting him to take his seat in their House, and if he did not believe that he verily and indeed was a Peer, it may be asked, with what face and on what plea could he presume to claim to take his seat among them.

December, 1894.

A. Milman,
Speaker's Court.

APPENDIX, No. 2.

MEMORANDUM circulated by desire of the Chairman.

Two questions were referred for decision to this Committee. The first was the granting of the Chiltern Hundreds to the Honourable Bernard Coleridge, M.P., now Lord Coleridge, after the death of his father, the first Baron Coleridge, in June 1894; whereby, independently of his succession to a peerage, his seat was at once vacated in the House of Commons. The second was as to the law and practice of Parliament in reference to the vacation of seats in the House of Commons, and as to whether it is desirable that any, and if so, what changes should be made therein. Involved in both these inquiries is the important question as to the status of a peer who is a Member of the House of Commons at the moment when he succeeds to the title and dignities of a peerage. Does he cease to be a member of the House of Commons from the moment that he becomes ennobled by the decease of his predecessor in the title, and is he disabled thereby from continuing to sit and to vote in the House of Commons? Or does his disability only arise at a subsequent stage from the receipt by him of the writ of summons to the House of Lords, and, pending the issue of that writ, is he therefore at liberty to continue to sit and to vote in the House of Commons? The view which, after a careful consideration of the evidence submitted to the Committee, is here commended to its notice, may be summed up in the following propositions:—

I. Whether a peer can or cannot continue to sit and vote in the House of Commons upon his succession to a peerage, his seat in that House cannot be vacated, and a writ for a new election cannot be issued upon the grounds of such succession, until the House of Commons is possessed of conclusive evidence that he has become a peer.

II. Such evidence the House of Commons has never hitherto procured and has no existing means of procuring for itself. It is furnished, and is furnished only, by the issue of the writ of summons to the House of Lords.

III. That such is and has been the uniform practice, is proved—

(1) By a long series of precedents (a).

(2) By the terms of the new writ issued for a vacancy so created in the House of Commons, which terms contain the specific allegation of the previous issue of a writ of summons to the House of Lords (b).

(3) By the *supersedeas* of a particular writ to fill a vacancy in the House of Commons from which this allegation had been omitted (c).

(4) By the authority of successive Speakers of the House of Commons, who, although expressing conflicting opinions upon the legal status of a peer, have generally concurred in requiring as evidence of succession the issue of a writ of summons to the House of Lords (d).

IV. The writ of summons to the House of Lords is only issued upon certain information given and certain evidence of succession supplied, either by the peer himself or by some other person, acting upon his behalf, to the Lord Chancellor (e).

V. In default of such evidence there is no precedent for any writ of summons to the House of Lords having been issued by the Crown (f).

VI. It appears accordingly that the disqualification of a peer from continuing to vote in the House of Commons, if he be already a Member of that House, arises not from his succession to the titles and dignity of a peerage, but from his summons to the House of Lords, *i.e.*, not from his inherited status as a Peer of the Realm, but from his acquired status as a Lord of Parliament (g), this being a familiar distinction in the law and practice of the constitution (h). In other words, the disqualification is not an inherited but a Parliamentary disqualification, and is based, not upon ennoblement of blood, but upon incompatibility of double service.

VII. This contention is further sustained by reference to the highest authorities (i), and is moreover illustrated by the case of the Scotch and Irish peerages (k).

VIII. It ensues, therefore, that a peer, in the interval between his succession and his summons, if already a Member of the House of Commons, continues to be so; and further that, until or unless he applies for the writ of summons, he will so continue.

IX. If, however, it be contended that the House of Commons would or should take upon itself to act in the case of a peer so continuing to sit, and would satisfy itself as to the evidence of succession, it is to be remembered—

(1) That the House of Commons has never so acted even in the case of a claimant to succession by lineal descent.

(2) That it does not now so act in the case of a claimant to succession by collateral or remote descent.

(3) That in the absence of evidence to the contrary, such claimant continues to sit and to vote in that House, and,

(4) That no logical distinction, save in the degree of evidence, can be drawn between claimants to succession by lineal and by collateral descent.

X. Finally, since it is by custom only, and neither by any provision in the Statute law nor in the written law of Parliament that a peer has hitherto been held to be disqualified from continuing to sit in the House of Commons; since no machinery or procedure, so far as can be ascertained from previous history or common practice, exists for prohibiting him from so doing; and since no legal penalty is attached to his so doing, it is submitted that a disability so created has no solid foundation either in law or in fact, and that until it is created by Parliament it cannot be held to exist.

In

In support of the above-mentioned propositions are submitted the following evidence and considerations (the particular reference of which has already been indicated in each case by the alphabetical letters within brackets introduced in the text) :—

(a) There is no instance to the contrary, except,

(1.) The case of heirs to Scotch peerages, where the writ of summons to the House of Lords is neither specified nor required, since their succession is regulated by the Act of Union and by the Scotch law, as will be explained later on.

(2.) The case of Viscount Dursley, M.P. for Gloucestershire, for which a new writ was moved on 10th June 1811, "in the room of Viscount Dursley, now Earl Berkeley," but without the customary allegation that he was "called up to the House of Peers." Speaker Abbot reminded the House of the constant practice to add the omitted words. But the writ was nevertheless granted on the ground that Viscount Dursley was notoriously the heir apparent. On 29th June 1811, however, Viscount Dursley's claim to the Earldom of Berkeley was disallowed *nem. con.* by the Committee of Privileges of the House of Lords (he being a natural son of the late earl) ; and the action of the House of Commons in issuing the writ without the customary allegation was therefore stultified, and has never since been repeated (18 Hansard's Debates, 1st series, p. 807).

(3.) The case of General Bertie, quoted presently.

(b.) These terms are "in the room of now Lord called up to the House of Peers." The same holds good of writs for seats vacated by Peerage during prorogation, in which case it is required by 24 Geo. III., c. 26, that a certificate from two Members of the House of Commons be furnished to the Speaker to the effect that a summons has been issued under the Great Seal of Great Britain to summon such peer to Parliament. Only in that case does the Speaker order the issue of a writ for a new election for the seat so vacated.

(c.) *Vide* the case of General Bertie, M.P. for Stamford, for which a new writ was ordered on 14th February 1809, upon the allegation by the mover of the writ that General Bertie was now Earl of Lindsay "called up to the House of Lords." On the next day General Bertie informed the House by letter that, though he had ground to consider himself as next heir to the title, yet he had not been summoned to take his seat as a peer, not having proved his succession. Speaker Abbot said that the House being now better informed, it would be competent for them to order the *supersedeas* of the writ. The writ was ordered to be superseded (12 Hansard's Debates, 1st series, p. 655).

N.B.—This was neither a pronouncement nor an *obiter dictum* of a Speaker, but was a solemn decision by vote of the House of Commons that any writ issued without the allegation that the writ of summons to the House of Lords has already been issued is a bad writ, and must be superseded.

(d.) The following may be cited :

(1.) Speaker Onslow, on 17th May 1760, not from the Chair, but in a conversation with Lord Egmont, who acquainted him that he intended to move a new writ for the County of Kent, in the room of Mr. Watson, who was made a peer, informed Lord Egmont that the form of the motion must be "in the room of L. H. Watson, Esq., now Lord Sondes, called up to the House of Peers," "for the attendance in both Houses of Parliament is considered a service, and the two services incompatible with each other."

Speaker Onslow then proceeded : "A person becomes a peer, either by descent or by creation. When by the former, the instant the ancestor dies the heir becomes a peer, and his seat in the House of Commons is immediately vacant ; and there is no necessity to wait for the issuing of the writ to call such heir to the House of Peers ; for it is only a writ of summons to attend his service there ; and without it, or though he should never take his seat there, he is, to all intents and purposes whatsoever, a peer of the realm." (Hatsell's Precedents, Vol. II. p. 393–6.)

With reference to this statement, it may be observed—

(i.) That Hatsell in his later edition added a note dissenting from the dictum of Speaker Onslow in the case of collateral claimants. He said : "If the person be not lineal heir, but collateral or a remote claimant, does his claiming a Peerage *ipso facto* disqualify him from a seat in the House of Commons, although eventually he may never obtain such Peerage? It should seem that until the King by writ of summons calls him up to the House of Peers, he cannot lose his right to sit in the House of Commons."

(ii.) If, however, this be true of collateral or remote claimants, it must equally hold good of lineal or direct descendants, the difference between them being only one of degree of evidence.

(iii.) The statement of Speaker Onslow that "the instant the ancestor dies the heir becomes a Peer and his seat in the House of Commons is immediately vacant" is unsupported by any legal or other authority, has never been acted upon, and is contradicted by the entire history of Parliamentary practice.

(iv.) Speaker Onslow appears to have confounded the status of a Peer of the Realm with that of a Lord of Parliament. Upon the instant of succession an heir becomes the former. He does not, until summoned to the House of Lords, become the latter.

(2.) Speaker Abbot, in 1809 and in 1811, has been already quoted.

(3.) Speaker Manners Sutton, on 17th December 1830, in the case of Lord Lovaine, M.P. for Beralston, for which a new writ was issued in the room of Lord Lovaine, now Earl of Beverley, without the customary words "now called up to the other House of Parliament," said that though the issue of a summons by the House of Lords was not essential to the sufficiency of proof, and though if the House of Lords thought proper to refuse or to delay the summons, such conduct could not stop the House of Commons from filling the vacancy that had occurred from the operation of the law of the land, yet the House of Commons must first have evidence, of which as yet they had none. If, therefore, they chose to entertain the motion, they must, as the summons had not been issued by the other House, go into a solemn inquiry respecting birth, parentage, and right. The summons had already been applied for, and in the interim he recommended that the motion be withdrawn. (Vol. 1, Hansard, 3rd series, p. 1299, and Barrow's Mirror of Parliament, 2nd series, p. 672).

Upon this dictum (which has been slightly condensed) it is to be remarked that, whilst on the one hand Speaker Manners Sutton endorsed the common practice of requiring the mention of the issue of the writ of summons, on the other hand he suggested as possible an alternative action of the House of Commons, for which action, however, there is no precedent in Parliamentary history.

(4.) Speaker

(4.) Speaker Abercromby, on 11th March 1835, in the case of Viscount Lumley, M.P. for North Notts, for which a writ had been moved "in the room of Viscount Lumley, now Earl of Scarborough," without the customary addition "called up to the House of Peers," said, "I feel myself called upon to declare that, in my opinion, it would be highly inexpedient for this House now to direct that the writ should be issued. The only safe and certain evidence on which the House can act is that a Member has received his writ of summons, and has been called up to the House of Peers. If there be any doubt as to the fact of a Member of this House being entitled to be a Peer, that is a question which this House cannot decide, and therefore the safest course is to act only when the Member has received his writ of summons. What occurred in the case of Lord Dursley ought to make this House exceedingly cautious of acting on any other than the most conclusive evidence." The motion was then withdrawn. (Barrow's Mirror of Parliament, Vol. I., p. 278).

Upon this statement it is to be observed that it is in complete antagonism—(i.) with the conversation as above reported of Speaker Onslow as to the effect of the writ of summons; and (ii.) with the dictum of Speaker Manners Sutton, as to the competence of the House of Commons; but (iii.) that it is in accordance with the entire history of Parliamentary practice.

(5.) Speaker Shaw Lefevre, on 19th and 26th April 1844, in the case of Mr. Scarlett, M.P. for Horsham, for which a new writ had been moved "in the room of the Honourable Mr. Scarlett, now Lord Abinger, called up to the House of Peers," after the lapse of three weeks, owing to a delay in the issue of the writ of summons to the Lords, said that "the only course for the House to pursue had been laid down by Lord Dunfermline (Speaker Abercromby). It was true that when a peer of the realm died, his eldest son ceased to be a Member of the House of Commons. But the House had no means of knowing whether a claim made by one of its Members to a peerage were *bonâ fide* or not; and therefore the only safe course for it to adopt was to wait for the writ of summons." (74 Hansard's Debates, 3rd series, pp. 108, 283).

Upon this statement it is to be observed—

(i.) That Speaker Shaw Lefevre agreed with Speaker Onslow and disagreed with Speaker Abercromby as to the legal status of a peer; but

(ii.) That he agreed with Speaker Abercromby and disagreed with Speaker Manners Sutton as to the incompetence of the House of Commons to dispense with the evidence of the writ of summons.

(e.) A preliminary declaration is usually made to the Lord Chancellor by some relative or representative on behalf of the claimant to the title, as to the circumstances of the family (*e.g.*, the death of elder brothers, if any, and certificate of such death) and as to the grounds of claim by the claimant. The Lord Chancellor then asks for evidence, and the heir must produce to his satisfaction:

(i.) A certificate of the marriage of the late peer, if he be his son, or of his own father.

(ii.) A certificate of the burial of the late peer.

(iii.) A certificate of his own baptism.

(iv.) An extract from the Journals of the House of Lords showing that the late peer, or one of his direct predecessors in title and of the same patent, took his seat.

(v.) The patent of peerage.

When the Lord Chancellor has satisfied himself from these documents, he then orders the issue of a writ of summons by the Clerk of the Crown.

(f.) Not only is this true; but, so long as such evidence is withheld, even though it be intentionally withheld, the Lord Chancellor does not require it, and has never compelled it. *Vide* the cases of the late Lord Tenterden and the present Earl of Iddesleigh, who refrained for some years after their succession to the titles and dignities of a peerage from applying for a writ of summons to the House of Lords, in order that they might continue to hold office in the Permanent Civil Service (Permanent Under Secretary for Foreign Affairs and Chairman of the Board of Inland Revenue) believed to be incompatible with a seat in Parliament.

(g.) In this context may be mentioned the case of Lord Salisbury, which was tried in 1872 in the Court of Common Pleas upon a claim by him to be registered as a Parliamentary voter. The claim was disallowed by the court, because it was found that Lord Salisbury was a Peer of Parliament, and had taken his seat in the House of Lords.

A hypothetical case has also been suggested. If the disqualification of a peer from sitting in the House of Commons arises from his status, and not from his summons, might it not be in the technical power of the Crown to disqualify any Member of the House of Commons by issuing to him a patent of peerage without his consent? On the other hand, if, as is here contended, the disqualification arises from the issue of the writ of summons, and if, as has already been shown, such issue depends upon the initiative of the peer, any such procedure would be nugatory.

An analogy, although not a parallel, may further be traced in the ancient (and now obsolete, except in the case of the eldest son of a peer called up in one of his father's titles) form of creating baronies by writ; a peer so created only becomes a peer by actually taking his seat; and if he dies before having taken his seat he is not a peer, nor does his son succeed to the title. Further, if the writ has been issued to the wrong person, and upon it he has taken his seat, he acquires an indefeasible title, of which neither he nor his heirs can be dispossessed.

(h.)—(i.) The distinction between a Peer of the Realm and a Lord of Parliament is clearly stated in the Third Report of the Committee of the House of Lords on the Dignity of the Peerage, in 1822, p. 33: "The term Peer of the Realm during a long period, and until the legislative union of the two Kingdoms of England and Scotland, by which they became one kingdom, was used as the distinguishing appellation of each of the temporal Lords of Parliament . . . . The union of England and Scotland first, and the union of Great Britain and Ireland afterwards, have had the effect of creating a clear distinction between the character of a Peer of the Realm and that of temporal Lord of Parliament; but a distinction previously existed in some degree in the case of minors, and of women claiming to be peeresses in their own right, and with respect to such persons also as being Peers of the Realm by right, might not have thought fit to qualify themselves to sit and vote as Lords of Parliament."

"After the union with Scotland, every Peer of the Realm of Great Britain was not a Lord of Parliament. The Peers of the Realm of Great Britain, whose right to that dignity arose from the dignities which they possessed in Scotland before the union, were not Lords of Parliament of Great Britain, unless elected among the sixteen representative peers for Scotland, and then only during the Parliament for which they were so elected. The same applies to the ancient peers of Scotland who became, by the union of Great Britain and Ireland, Peers of the Realm of the United Kingdom. Similarly

Similarly the Peers of the Realm, whose right to that dignity arises from the dignities which they possessed in Ireland before the union, and from the dignity of peer of Ireland, obtained by subsequent creation, are not Lords of Parliament of the United Kingdom, unless elected for life among the 28 representative peers of Ireland."

(ii.) That the titles and dignity of a Peer of the Realm (as distinct from a Lord of Parliament) are inalienable, has been twice established by Resolution of the House of Lords.

(1.) In the case of Lord Grey de Ruthyn, 1st February 1640 (4 Lords Journals, p. 150), "Resolved, *nem. con.*, That no person that hath any honour in him, and a Peer of the Realm, may alienate or transfer the honour to any other person."

"Resolved, *nem. con.*, That no Peer of the Realm can drown or extinguish his honour (but that it descends to his descendants), neither by surrender, grant, fines, nor any other conveyance, to the King.

N.B.—This refers solely, as the terms indicate, to the honour of a peerage, not to the seat in Parliament.

(2.) In the case of Robert Villiers, Viscount Purbeck, 18th June 1678 (13 Lords Journals, p. 253), Resolved, *nem. con.*, That no fine levied or at any time hereafter to be levied by the King, can bar a peer's title of honour and the right of any person claiming such title under him that levied or shall levy such fine."

Upon these Resolutions the Report on the Dignity of the Peerage remarked: "The House thus resolved first in general terms, and afterwards upon a particular case, that the honour of a Peer of the Realm is an inheritance, not capable of alienation or transference to any other person, or of surrender to the Crown by any act of the person at any time entitled to the honour. It has also decided and acted upon the presumption that it is an inheritance not communicable to any other by any title founded on possession." (Third Report, p. 44.)

(j.) (i.) Speaker Onslow (already quoted) on 17th May 1760. "The Member in the case of a peerage, who moves for a new writ, must say 'In the room of . . . . called up to the House of Peers'; for the attendance in both Houses of Parliament is considered as a service, and the two services are incompatible with each other." (Hatsell, Vol. II., p. 394.)

(ii.) First Report on the Dignity of the Peerage, p. 393 (1820). "The blood of a temporal lord is considered as ennobled by a writ of summons to Parliament, and taking his seat under that writ; and unless the terms of the writ, or of the patent under the authority of which it issues, provides to the contrary, he now gains by the writ, and his seat in Parliament thereupon, an hereditary honour, descendible to the heirs of his body, whatever may have been formerly the law on this subject. If created by Letters Patent, he becomes ennobled and a Peer of the Realm by virtue of the Letters Patent; and the writ summoning him to Parliament is a mere consequence of the right given by the Letters Patent and depending on the construction of the instrument."

(iii.) Sir E. May (Parliamentary Practice, 10th Edition, p. 29). "English Peers are ineligible to the House of Commons, as having a seat in the Upper House."

(k.) The case of the Scotch and Irish peerages. The present status of the Scotch and Irish peerages is regulated by Statute, viz., by the respective Acts of Union in 1706 and 1801.

Prior to the Act of Union between England and Scotland, Scotch peers sat frequently in the House of Commons for English constituencies. Their names occur in the Commons Journals froms 1620 (the earliest date) to 1706. Similarly, Irish peers sat frequently in the House of Commons for English constituencies before 1801 (and were sanctioned and continued by the Act of Union). It is clear, therefore, that neither in the case of the Scotch nor of the Irish peerage before the respective Unions, was it held that a peerage disqualified from a seat in the House of Commons. In the case of the Scotch peerage it is only by statute that such disqualification has since been created. In the case of the Irish peerage it does not even now exist; and so far from the inverse ability having been created by statute, it is of old standing and has always existed.

The Act of Union, however, between England and Scotland disqualified from continuing to sit in the House of Commons such Scotch peers only as sat for Scotch constituencies; *vide* the case of Viscount Stormont, M.P. for Perthshire, for whose seat a new writ was moved in the House of Commons on 21st February 1840, "in the room of Lord Stormont, now Earl of Mansfield and Viscount Stormont in the Kingdom of Scotland." The question was raised as to whether the new peer had received a writ of summons to the House of Lords as a Peer of Great Britain; whereupon the Attorney General (Sir J. Campbell) pointed out that that matter did not arise, since it was only the succession of Lord Stormont to a Scotch peerage that was at issue, which succession by the Act of Union disqualified him from continuing to sit in the House of Commons for a Scotch constituency (52 Hansard, p. 436).

If it be asked why a Member of the House of Commons on succeeding to a Scotch peerage does not require and need not wait for a writ of summons, as in the case of English peers, the answer is to be found in the old law of Scotland, under which the rank and dignity of a Scotch peerage were a matter of inheritance, which could only be disputed in the Court of Session, and were independent of any service; and under which the peers of Scotland were not summoned to the Scotch Parliament by particular writs addressed to each lord, but by one general summons, which custom has been maintained since the Union.

In like manner, the provision (which was not repealed until the Scotch Reform Bill of 1832), by which the eldest sons of Scotch peers were disqualified from sitting in the House of Commons and their seats were declared vacant upon their fathers' succession, was based on the old Scotch law, under which no eldest son of a Scotch peer could sit and vote in the Scotch House of Parliament, which disability was not removed, but was continued by a supplementary article of the Act of Union. These two cases, therefore, being dependent upon the old and unrepealed law of Scotland before the Union, cannot be cited as an argument in the matter of English peerages. Under the same law of Scotland a Scotch peer could entail, decline, or resign his honour and dignities, and by resignation could denude his heirs also.

There remains the question as to the status of Scotch peers sitting in the House of Commons for any other than Scotch constituencies. In this case no specific disqualification was created by the Act of Union. But such peers have been uniformly held to be disqualified from continuing to sit, because they have been held to be represented in the House of Lords by the 16 representative peers of Scotland in virtue of the Act of Union. Thus, on 3rd December 1707, a new writ was moved for Suffolk, the English constituency of the Earl of Dysart, because he was "now a Peer of Great Britain" (though he did not go to the House of Lords) and was therefore held to be represented by his peers in the House of Lords.

Similarly, a new writ was moved for Southampton on 11th March 1842, in the case of Lord Bruce, "he being now Earl of Elgin, a Peer of the United Kingdom." The vacancy was here created, not because Lord Bruce succeeded to the English Barony of Elgin (for which a writ of summons was required),

required), but because he succeeded to a Scotch title (which, since the Act of Union with Ireland, had been converted from a peerage of Great Britain into a peerage of the United Kingdom), and was therefore held to be doubly disqualified, (a) by the Scotch law, under which he became a peer by inheritance and without writ of summons, and (b) by the theory of representation in the House of Lords by his peers under the terms of the Act of Union.

In the case of the Irish peerage, it has already been observed that no disability to sit in the House of Commons either existed before or was created by the Act of Union. On the contrary, the cases have been numerous in which Irish peers have continued, after succession to their titles, to sit in the House of Commons; *vide* the case of Viscount Castlereagh, who was Foreign Secretary and Leader of the House of Commons from 1812 to 1821, and who, after succeeding to the Marquisate of Londonderry in 1821, continued to sit in that House until his death in 1822. Similarly, Viscount Palmerston was an Irish Peer sitting in the House of Commons. His case, moreover, affords a striking parallel to the status which, in this memorandum, it is contended that English peers by law (though not by custom) enjoy. For just as it is here submitted that an English Peer of the Realm, by refraining from application for his writ of summons to the House of Lords and from thereby becoming a Lord of Parliament, may continue to sit in the House of Commons, so Lord Palmerston, who refrained from qualifying to vote or to be elected at the election of Irish Representative Peers, continued to sit in the House of Commons until his death. What Lord Palmerston was able to do as an Irish Peer it is here contended that it is within the competence of an English Peer to do also.

(l.) A precedent for this status already exists in the case of the heir to a peerage holding a seat in the House of Commons at the time of his elder brother's death, such elder brother leaving a widow with no male child. In such cases the chance of a posthumous heir is safeguarded by the withholding of the writ of summons for a period of 12 months, provided that the widow be not above the age of 60. Such a case has just occurred in the case of the Earl of Pembroke, deceased, leaving as his heir his younger brother, Honourable Sidney Herbert, M.P. for Croydon, but leaving also a widow without children, but under the age of 60. It is here contended that it is within the competence of the Honourable Sidney Herbert to continue to sit and to vote without interruption in the House of Commons; although if at the termination of 12 months no child shall have been born to his brother's widow, and he be declared a Peer, it is obvious that he will have been a Peer of the Realm (though sitting and voting in the House of Commons) throughout that period.

(m.) Such a claimant is, at the present moment, the occupant of a seat in the House of Commons, and is a Member of this Committee, viz.: Sir J. Carmichael, M.P. for St. Rollox, Glasgow, who claims the Scotch Peerage of Hyndford.

(n.) Three undoubted Peers did sit in the House of Commons after the abolition of the House of Lords by the Long Parliament in 1649, viz.: the Earl of Pembroke, Lord Howard, and the Earl of Salisbury, who having been duly elected took their seats in the House of Commons, pursuant to resolutions of that House (Commons' Journals, Vol. 6, pp. 187, 201, 297). They retained the titles and dignities of their peerages; but having lost the privileges of Lords of Parliament, were regarded as eligible and were accordingly elected to the House of Commons.

(o.) An analogous case is that of a bankrupt. Though a bankrupt is disqualified by law (Bankruptcy Act, 1883) from sitting in the House of Commons; yet as no penalty is attached to his so sitting and voting, and as no official notice is required to be given to the Speaker for six months, he may continue to sit and vote during that period, unless the House should interfere.

It has been suggested that a penalty might be incurred under 6 Anne, c. 7, s. 29 (Revised Statutes, 6 Anne, c. 41, ss. 28, 29), "And if any person hereby disabled or declared to be incapable to sit or vote in any Parliament hereafter to be holden, shall nevertheless be returned as a Member to serve for any county, stewartry, city, town, or cinque port in any such Parliament, such election and return are hereby enacted and declared to be void to all intents and purposes whatsoever. And if any person disabled or declared incapable by this Act to be elected shall, after the dissolution or termination of the present Parliament, presume to sit or vote as a Member of the House of Commons in any Parliament to be hereafter summoned, such person so sitting or voting shall forfeit the sum of 500*l.*, &c. And every person disabled to be elected or to sit or vote in the House of Commons of any Parliament of England shall be disabled to be elected or to sit or vote in the House of Commons of any Parliament of Great Britain." But it appears (and is supported by a consensus of the highest legal opinions which have been taken on the point) that the penalty herein mentioned only applies to persons specifically disqualified by this Statute. It is a statutory penalty attached to a particular statutory disqualification. On the other hand, the disqualification of a Peer from sitting in the House of Commons, if it exists, is certainly not a statutory disqualification, and cannot therefore be liable to a statutory penalty.

George N. Curzon.

APPENDIX, No. 3.

NOTE by Sir *Charles Dilke* on Mr. *Curzon's* Memorandum.

WITH regard to the view apparently adopted by Mr. Curzon, that a summons followed by sitting constitutes the hereditary dignity, it is the opinion of the weightiest authorities, such as Freeman, that in ancient days summons followed by sitting did not create an hereditary dignity. The first appearance of this modern doctrine is in a case at the very end of the 16th century.

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

HOUSE OF COMMONS (VACATING OF SEATS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND AN

APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
20 *May* 1895.

[*Price* 2½*d.*]

272. *Under* 3 *oz.*

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Ordered, by The House of Commons, *to be Printed,*
27 *February* 1895.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

76.

Ordered,—[*Tuesday*, 19*th February* 1895]:—THAT a Select Committee be appointed to control the Arrangements for the Kitchen and Refreshment Rooms, in the Department of the Serjeant-at-Arms attending this House.

Committee nominated of,—

Mr. Agg-Gardner.
Mr. Anstruther.
Mr. Broadhurst.
Lord Burghley.
Mr. Cremer.
Mr. Fellowes.
General Goldsworthy.
Mr. Sidney Herbert.
Mr. Jacoby.
Mr. Leveson Gower.
Mr. P. J. Power.
Lord Stanley.
Dr. Tanner.
Mr. Kearley.

THAT Three be the Quorum of the Committee.

FIRST REPORT.

THE SELECT COMMITTEE appointed to control the Arrangements for the KITCHEN and REFRESHMENT ROOMS, in the Department of the SERJEANT-AT-ARMS attending this HOUSE;——HAVE agreed to the following FIRST REPORT:—

THE Trading and Profit and Loss Account for the Year ending 31st December 1894 was as follows:

	£. s. d.	£. s. d.		£. s. d.	£. s. d.
To Goods consumed, viz.:—			By Receipts - - -	- -	9,873 14 1
Meat - - - -	1,782 6 2		Provisions and Cigars	6,059 14 5	
Fish - - - -	564 19 –		Wines, Spirits, Mineral Waters, &c. - -	3,813 19 8	
Poultry and Game -	260 1 8				
Fruit and Vegetables -	527 10 2				
Bread and Biscuits -	196 2 7		Subsidy - - - - - -		1,750 – –
Groceries - - -	482 11 5				11,623 14 1
Cheese, &c. - - -	788 4 6				
Milk and Cream - -	185 9 10		Net Loss - - - - - -		45 12 2
Other Provisions -	206 14 11				
Cigars - - - -	271 4 9				
Wines and Spirits -	2,246 14 9				
Beers - - - -	286 11 9				
Mineral Waters - -	261 13 3				
		8,060 4 9			
Wages and Management	3,265 13 2				
Expenses - - - -	343 8 4				
		3,609 1 6			
TOTAL - - - £.		11,669 6 3	TOTAL - - - £.		11,669 6 3

27 February 1895.

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Ordered, by The House of Commons, *to be Printed,*
27 *February* 1895.

[*Price* ½*d.*]

76. *Under* 1 *oz.*

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Ordered, by The House of Commons, *to be Printed,*
5 *July* 1895.

LONDON:
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and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

385.

Ordered,—[*Tuesday*, 19*th February* 1895] :—THAT a Select Committee be appointed to control the Arrangements for the Kitchen and Refreshment Rooms, in the Department of the Serjeant-at-Arms attending this House.

Committee nominated of,—

Mr. Agg-Gardner.	Mr. Sidney Herbert.
Mr. Anstruther.	Mr. Jacoby.
Mr. Broadhurst.	Mr. Kearley.
Lord Burghley.	Mr. Leveson Gower.
Mr. Cremer.	Mr. P. J. Power.
Mr. Fellowes.	Lord Stanley.
General Goldsworthy.	Dr. Tanner.

THAT Three be the Quorum of the Committee.

Ordered,—[*Tuesday*, 18*th June* 1895] :—THAT Lord Stanley be discharged from the Select Committee on Kitchen and Refreshment Rooms (House of Commons).

THAT Sir James Fergusson and Mr. James Bailey be added to the Committee.

Ordered,—[*Friday*, 5*th July* 1895] :—THAT the Select Committee on the Kitchen and Refreshment Rooms (House of Commons) have power to Report their Observations to the House.

SECOND REPORT.

THE SELECT COMMITTEE appointed to control the Arrangements for the KITCHEN and REFRESHMENT ROOMS, in the Department of the SERJEANT-AT-ARMS attending this HOUSE;——HAVE agreed to the following SECOND REPORT:—

DURING the present Session, up to the week ending 29th June 1895,

8,625 Luncheons,
11,265 Dinners, } Have been served in the Dining Room.

227 Luncheons,
1,355 Dinners, } Have been served in the Terrace Dining Rooms, A. and B.

944 Luncheons,
1,285 Dinners, } Have been served in the Terrace Dining Rooms, C. and D.

The Report of the Trading and Profit and Loss Account ending on 31st December 1895 (in continuation of that presented on 27th February 1895) will be presented as soon as the Accounts up to the close of the present year are completed.

There are no further circumstances of which, in the opinion of your Committee, it is desirable that the House should be informed.

5 *July* 1895.

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Ordered, by The House of Commons, *to be Printed,*
5 *July* 1895.

[*Price* ½*d.*]

385. *Under* 1 oz.

SPECIAL

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Ordered, by The House of Commons, *to be Printed,*
29 *August* 1895.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

442—Sess. 2.

Ordered,—[*Wednesday*, 21*st August* 1895]:—THAT a Select Committee be appointed to control the Arrangements for the Kitchen and Refreshment Rooms, in the Department of the Serjeant-at Arms attending this House.

Committee nominated of,—

Mr. James Bailey.
Mr. Broadhurst.
Mr. Cochrane.
Mr. Fellowes.
Mr. Fenwick.
General Goldsworthy.
Mr. Jacoby.
Mr. Kearley.
Mr. Lafone.
Mr. Llewellyn.
Colonel Lockwood.
Mr. Macdona.
Mr. P. J. Power.
Lord Stanley.
Mr. Thomas Curran.

THAT Three be the Quorum of the Committee.

Ordered,—[*Friday*, 23*rd August* 1895]:—THAT Mr. Fenwick be discharged from the Select Committee on Kitchen and Refreshment Rooms (House of Commons).

THAT Mr. Alfred Thomas be added to the Committee.

Ordered,—[*Thursday*, 29*th August* 1895]:—THAT the Select Committee on the Kitchen and Refreshment Rooms (House of Commons) have leave to make a Special Report to the House.

SPECIAL REPORT.

THE SELECT COMMITTEE appointed to control the Arrangements for the KITCHEN and REFRESHMENT ROOMS, in the Department of the SERJEANT-AT-ARMS attending this HOUSE;——HAVE agreed to the following SPECIAL REPORT:—

THAT considerable inconvenience having arisen from the fact that during the Recess no Committee exists for dealing with any matters that may arise, your Committee are strongly of opinion that the present Committee should remain in existence until the House appoints a fresh Committee at the commencement of next Session; and your Committee therefore asks the House to give its consent to this proposed arrangement.

29 *August* 1895.

SPECIAL

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Ordered, by The House of Commons, *to be Printed,*
29 *August* 1895.

[*Price* ½*d.*]

442—Sess. 2. *Under* 1 *oz.*

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